

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 20, 1997 4:30 P.M.

CLOSED SESSION--3:30 P.M.

97-149 1. ROLL CALL:**Present: Davis, Flagg, Hensley, McPherson, Phillips and Vlassis. Absent: Daniels.**

*****CLOSED SESSION*****

97-150 (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-151 (b) Closed Session to discuss matters of pending litigation.

97-152 (c) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 6-1.**

***WITHDRAWN** (d) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation.

97-153 (e) Motion to recess until 4:30 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL PRESENTATIONS - 4:00 P.M.:

OFFICIAL RECOGNITION

(A) Gray's Woods Neighborhood Association

(B) Ingersoll Park Neighborhood Association

(C) Jordan Park Neighborhood Association

INVOCATION: Pastor David Madsen

Cottage Grove Presbyterian Church

97-154 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

97-155 3. APPROVING CONSENT AGENDA - items 3 through 90: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

97-156 4. Communication from Legal Department regarding January 20, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

97-157 5. Ervin Wagner dba Archery Field & Sports, 2542 East University; Renewal - Expires 1-22-97 (With Sunday Sales) - Application submitted 12-20-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

97-158 6. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #29, 4900 Urbandale Avenue; New Application (With Sunday Sales) - Application submitted 12-26-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-159 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #28, 3274 East University; Renewal - Expires 3-6-97 (With Sunday Sales) - Application submitted 1-6-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-160 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #10, 816 East Euclid; Renewal - Expires 3-30-97 (With Sunday Sales) - Application submitted 1-6-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

97-161 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #18, 6501 Southeast 14th Street; Renewal - Expires 2-6-97 (With Sunday Sales) - Application submitted 12-5-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-162 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #27, 1240 Keo Way; Renewal - Expires 2-19-97 (With Sunday Sales) - Application submitted 12-5-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-163 11. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip Store #524, 3030 Ingersoll; Renewal - Expires 2-2-97 (With Sunday Sales) - Application submitted 12-19-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-164 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip Store #542, 865 42nd Street; Renewal - Expires 2-5-97 (With Sunday Sales) - Application submitted 12-19-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

97-165 13. Metropolitan Club Management Corporation, James Michael Hinckley, President dba Metropolitan Club, 400 Locust - Suite 100; Renewal - Expires 2-21-97 - Application submitted 1-2-97. **Moved by McPherson to adopt. Council Member Hensley and Mayor Davis declare a conflict of interest, and abstain from voting. Motion Carried 4-1. Absent: Daniels.**

Class "C" Beer-Wine Licenses

97-166 14. L & Q, Inc., Christian N. Lavia, President dba Helen & Pat's, 5418 Douglas; Renewal - Expires 1-25-97 (With Sunday Sales) - Application submitted 12-30-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-167 15. Mr. V's, Inc., Joseph Vivone, President dba Mr. V's, 206 Indianola; Renewal - Expires 1-21-97 - Application submitted 12-18-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "A" Liquor Licenses

97-168 16. Ang Service Club, Inc., Dan Manning, President dba Ang Service Club, 3100 McKinley Avenue; Renewal - Expires 1-25-97 - Application submitted 12-18-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

WITHDRAWN 17. Barbara Moyer dba Barb's Lounge, 2301 Hubbell; Renewal - Expired 1-16-97 (With Sunday Sales) - Application submitted 1-2-97.

97-169 18. Janie E. Rouse dba Calamity Jane's, 2401 East Walnut; New Application submitted 12-23-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-170 19. Eastgate Lounge, Inc., Jerry E. Mercer, President dba Eastgate Lounge, 1512 East Douglas; Renewal - Expires 1-28-97 (With Sunday Sales) - Application submitted 12-11-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-171 20. Paul V. Strome dba Sambetti's, 1430 2nd Avenue; Renewal - Expires 1-31-97 (With Sunday Sales) - Application submitted 12-23-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-172 21. Spurs Steakhouse, Inc., Dennis L. Elwell, President dba Spurs Steakhouse, 2301 Ingersoll; New Application (With Sunday Sales and Beer Garden) - Application submitted 12-6-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-173 22. Wagon Wheel, Inc., Linda K. Geisinger, President dba Wagon Wheel, 2600 Dean Avenue; New Application submitted 12-4-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-174 23. Wanda Chambers dba Just Wanda's, 4369 Merle Hay Road; Renewal - Expires 1-25-97 (With Sunday Sales) - Application submitted 12-30-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "E" Liquor Licenses

97-175 24. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy-Vee Food and Drugstore #4, 4707 Fleur Drive; Renewal - Expires 1-24-97 - Application submitted 12-12-96. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

Authorizing

97-176 25. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-177 26. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

Transfer

97-178 27. Communication from Des Moines Jaycee's requesting temporary transfer of Class "B" Beer Permit from Nollen Plaza, 3rd & Locust to Kaleidoscope at the Hub, 555 - 655 Walnut for Skywalk Golf Tournament to be held on February 1, 1997 - Application submitted 12-30-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Gamerrooms

97-179 28. Mary Lynn Coenen dba Loco Joe's Nickel Arcade, 3900 Northeast 14th Street; Renewal - Expired 12-31-96 - Application submitted 12-31-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-180 29. Mary Lynn Coenen dba Loco Joe's Nickel Arcade, 1300 East Army Post Road; Renewal - Expired 12-31-96 - Application submitted 12-31-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-181 30. Discovery Zone L.P., Thomas E. Dooley, Executive Vice President dba Discovery Zone, 4365 Merle Hay Road; Renewal - Expired 12-31-96 - Application submitted 12-30-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-182 31. National Mall & Service, Inc., Elmer W. Schmitt, President dba Nickelodeon, 1503 East Douglas; Renewal - Expired 12-31-96 - Application submitted 12-27-96. **Moved by McPherson to adopt. Motion Carried 6-1.**

Refunds

97-183 32. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

Sunday Sales

97-184 33. Trittoria Foods, Inc., Alyce Mattis, President dba The Trattoria, 207 - 4th Street - Application submitted 1-10-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

97-185 34. Authorizing City Manager to proceed on Waveland Golf Course Storm Sewer Repair - 1996-97 Capital Improvements Program - \$33,000. (Council Communication No. 97-024) **Moved by McPherson to adopt. Motion Carried 6-1.**

97-186 35. Authorizing City Manager to acquire the necessary right-of-way for construction of Southwest Outfall Relief Sewer, Phase 12, Segment 1 - 1996-97 Capital Improvements Program. (Council Communication No. 97-031) **Moved by Hensley to adopt. Motion Carried 6-1.**

97-187 36. Authorization to proceed with various Park and Recreation improvements, included in the 1996-97 Capital Improvement Program. (Council Communication No. 97-042). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

(A) Communication from Alice Rodine, regarding restroom improvements at Union Park. **Moved by Hensley to receive and file. Motion Carried 6-1.**

97-189 37. Agreement with Iowa Department of Transportation for 9th Street and Day Street Traffic Signal Installation Project - \$90,000. (Council Communication No. 97-017). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-190 38. Approving Amendment to Structure Removal Contract for 2506 Littell Avenue, to include, Lead Disclosure Statement, extension of time-to February 15, 1997, and sale of metal shed and fence for \$50, in conjunction with Airport Noise Compatibility Program. (Council Communication No. 97-034). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-191 39. Change Order No. 1, with M. Peterson Construction Company and The Underground Company-joint venture, in conjunction with the Army Post Road and South Union Street

Widening and Signalization Contract, not to exceed \$21,320. (Council Communication No. 97-018). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-192 40. Change Order No. 5, with McAninch Corporation, in conjunction with the Birdland Park Marina Improvements Contract, not to exceed \$15,950. (Council Communication No. 97-020). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-193 41. Change Order No. 1, with Hazardous Material Abatement Corporation, in conjunction with Asbestos Removal - Martin Luther King, Jr., Parkway, Phase 3 Contract, not to exceed \$17,000. (Council Communication No. 97-022). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-194 42. Change Order No. 3, with Van Hauen & Associates, Inc., in conjunction with the Southwest Outfall Relief Sewer, Phase 12, Segment 2, to extend the contract completion date. (Council Communication No. 97-030). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-195 43. Agreement with MidAmerican Energy, for 60th & Railroad Pump Station overhead electric primary extension, for second power source - \$22,330.45, and rescind original agreement approved by Roll Call 95-1853 - \$43,793.53. **Moved by McPherson to adopt. Motion Carried 6-1.**

44. Approving various actions regarding E. Hartford Avenue Paving (Schedule 1991-04):

97-196 (A) Accepting work and ordering preparation of Plat and Schedule of Assessments. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-197 (B) Adopting and levying final schedule of assessments and providing for payment. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-198 44. (C) Approving payment to Des Moines Asphalt & Paving Company, \$9,606.51 is due and \$40,655.69 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-199 (D) Communication from Jerry Alt, Attorney for the Cecilia Hartsell Trust and for the P. Marian Brown Trust, objecting to the proposed assessment against property owned by the trust, in conjunction with the E. Hartford Avenue Paving Project. **Moved by McPherson to receive and file. Motion Carried 6-1.**

97-200 45. Communications from various contractors requesting permission to sublet certain items on two public improvement projects, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 6-1.**

46. Authorization for Right of Way and easements for the following:

97-201 (A) University Court West of 9th Street. **Moved by Vlassis to defer action, to receive additional information regarding project costs. Motion Carried 7-0.**

97-202 (B) Johnson Court at East Court Avenue. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

97-203 (A) Hart Avenue Pavement Replacement - SE 5th Street to SE 8th Street, Eco-Tech Contractors, Inc., \$6,501.51 is now due and \$2,677.19 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-204 (B) Westside Basin Flood Protection, Cramer and Associates, Inc., \$27,028.75 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-205 (C) Birdland Park East Improvements, Johnson Concrete & Petroleum Construction, Inc., \$10,335.86 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-206 48. Approving partial payments on seven public improvement projects. (See roll call for list and funding availability). **Moved by McPherson to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

97-207 49. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of December, 1996, for Certification to Polk County Treasurer (see roll call for amounts). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-208 50. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for December, 1996. **Moved by McPherson to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

97-209 51. Purchase of 2107 McKinley Avenue, (Barry LePorte, owner) for \$124,278.60, in conjunction with Runway Protection Zone. (Council Communication No. 97-036). **Moved by Flagg to defer to 2-3-97, for additional information from City Manager regarding condition of the property and for the appraisal report to be provided to Mr. Flagg. Motion Carried 6-1.**

97-210 52. Approving reconsideration of prior approval of proposal to vacate and sell alley in the vicinity of 3507 Forest Avenue, and directing alley not be vacated at this time. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-211 53. Approving Rescinding Roll Call 96-2926 authorizing acquisition of property at 1901 Army Post Road, in conjunction with Airport Parking Garage Project, (property not needed). (Council Communication No. 97-037). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-212 54. Revised Backslope and Property Adjustment Easement and Release, in conjunction with Easter Lake Drive Trunk Sewer, from Harry A. and Mary Jane Hager, 2780 Easter Lake Drive - \$4,725. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-213 55. Amended and Substituted Backslope and Property Adjustment Easement and Release, in conjunction with 1995 Paving Program No. 1 (East 28th Street from Cleveland to Easton Boulevard), from David D. Lindeman and Denise C. Roach-Lindeman, 2759 Easton Boulevard - \$222. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-214 56. Temporary Access Easement, in conjunction with SW 7th Street Bridge Rehabilitation-Raccoon River Bridge, from Rees Associates, Inc., 1800 SW 2nd Street - \$1. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-215 57. Temporary Access Easement, in conjunction with SW 7th Street Bridge Rehabilitation (Raccoon River), from Hubbell Realty Company - \$1. **Moved by McPherson to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-216 58. Extension of boundaries for the Highland Park Neighborhood Association, to include the area annexed by the City, north of Broadway, west of E. 14th, and south of I-80. (Council Communication No. 97-026). **Moved by McPherson to adopt. Motion Carried 6-1.**

59. Official recognition of the following Neighborhood Associations:

97-217 (A) Jordan Park Neighborhood Association - boundaries are Army Post, SE 14th, McKinley, and SE 5th. (Council Communication No. 97-027). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-218 (B) Gray's Woods Neighborhood Association - boundaries are University, East City Limits, Easton, and E. 33rd. (Council Communication No. 97-028). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-219 (C) Ingersoll Park Neighborhood Association - boundaries are Grand, 42nd, I-235, and 46th. (Council Communication No. 97-029). **Moved by McPherson to adopt. Motion Carried 6-1.**

60. Nomination recommendations of Mayor Arthur Davis for appointment of the following to the Metropolitan Transit Authority Joint Board of Trustees:

97-220 (A) Graham Gillette to fill unexpired term of John Black to expire May 29, 2000. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-221 (B) Reappointment of Jacqueline Easley for a six-year term commencing in 1996, to expire May 29, 2002. **Moved by McPherson to adopt. Motion Carried 6-1.**

61. NUMBER NOT USED.

97-222 62. Nomination recommendation of Mayor Arthur Davis to appoint Council Member Gene Phillips to the Cable TV Sub-Committee, effective immediately. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-223 63. Communication from Patricia Boddy, submitting her resignation from the City Plan Commission effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN 64. Regarding request from Lawrence E. Myers, Attorney for best Recycling, Inc., for vacation and conveyance of a portion of SE Seventh Street right-of-way in vicinity of the 200 block of SE 7th Street.

SETTING DATE OF HEARINGS

WITHDRAWN 65. On amending the Zoning Ordinance and Site Plan Ordinance regulations regarding new "Pedestrian Commercial District" with changes to the Off-Street Parking Area Required - Special Provisions Section, (2-3-97).

WITHDRAWN 66. On application from James Conlin of The Phoenix Group, Ltd. to rezone property in the vicinity of 1514 Evergreen Avenue, from "C-4" (Shopping Center Commercial District) to a "P.U.D." (Planned Unit Development District and to approve Conceptual Plan Southbrook Green II, to provide two 18-plex dwelling unit buildings, and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-3-97).

WITHDRAWN 67. On application from Ronald L. Woods, Easter Lake Estates, Inc., to rezone property in the 800 block of E. County Line Road from "R-3" (Multi-Family Residential) to an "R-5" (Mobile Home Residential) and to approve preliminary plan-Southridge Estates Mobile Home Park, to provide 102 mobile home lots, and to find this in conformance with the Des Moines 2000 land Use Plan, (2-3-97).

WITHDRAWN 68. On application from William C. Knapp, Knapp Properties, to rezone property at 3615 SW 63rd, 6101 and 6001 Watrous, and 3500 SW 56th Street from "R-2" (One and Two Family Residential) and "PBP" (Planned Business Park, and "M-3" Limited Industrial District to a PUD, and to approve the Conceptual Plan - Airport Commerce Park West, and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-3-97).

97-224 69. On application from John Clarke, Clarke Companies, to rezone property at 2400 block of E. Marion, from "R1-80" (One Family Residential) to a "P.U.D." (Planned Unit Development), and to approve Conceptual Plan Easter Bay Colony Plat 2, to provide 40 Single

Family lots and 56 Townhome dwelling units, and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-3-97). **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Vlassis. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting. Previous motion to remand to City Plan Commission failed.**

WITHDRAWN 70. On application from Randy Walters, Excalibur Development, to rezone property in the 7400 block of Indianola Avenue from "R1-80" (One Family Residential) to a PUD (Planned Unit Development) to approve the Conceptual Plan - The Meadow Lands, to provide 360 apartments, 101 townhouses, and 108 condominiums, approval of request for tax abatement, approval of request to amend the Des Moines 2000 land Use Plan by revising the classification from Medium Density Residential to Commercial, (2-3-97).

WITHDRAWN 71. On request from William Flannery, Aviation Department, to rezone property in vicinity of Stanton Avenue to McKinley and between SW 34th and SW 32nd Street, from an "R1-80" (One Family Residential), to an "M-3" (Limited Industrial) and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-3-97).

97-225 72. On vacation and sale of a portion of the Delaware Avenue right-of-way north of Euclid Avenue, to Ruan Inc., \$11,400, (1-27-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-226 73. 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, (1-27-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-227 74. On vacation and conveyance of public right-of-way in the vicinity of 700 S.E. Seventh, to Jimmy D. Maxwell, (1-27-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-228 75. Approving payment of \$4,118.93 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-229 76. Approving payment of \$1,089.43 to Ensz and Jester, P.C. for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et al. in U.S. District Court for the Western District of Missouri. **Moved by McPherson to approve payment. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

97-230 77. Submitting out-of-state travel requests for Donald Tripp and Bruce Elrod. (Council Communication No. 97-019). **Moved by McPherson to adopt. Motion Carried 6-1.**

APPROVING

97-231 78. Evidence of Financing submitted by Clarke Company Ltd. and the YMCA of Greater Des Moines; authorizing payment of \$138,000 to the United States of America for abrogation of restrictions, and authorizing execution and delivery of a Special Warranty Deed for property located in the Blank Park Development Area, (S.E. Fifth and Army Post Road); project completion. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-232 79. Release of Industrial Development Revenue Bonds Series 1974 Security Documents-Standard Distributing as assignee of Leslie Paper Company. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-233 (A) Resolution authorizing Quit Claim Deed and Bill of Sale with Respect to Industrial Development Revenue Bonds. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-234 80. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**

81. Bids for the following:

97-235 (A) Capital City Equipment Company, (5515 N.W. 2nd Avenue, Mark Kruse, President) for one four-wheel tractor, Great American Outdoors, (Urbandale, Don Van Houweling, President) for one utility vehicle, and Tri-State West, (Grimes, Hugh Stafford, President) for two turf sweepers to be used by the Park and Recreation Department (Glendale Cemetery and Ewing Park) for a total cost of \$53,080. (Nine bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-236 (B) Ankeny Tractor, Inc., (Ankeny, Gary Brown, Vice-President) for one 72" Commercial Mower, Tri-State West, Inc., (Grimes, Hugh Stafford, President) for one 16' finish cut Rotary Mower, and Capital City Equipment Co., (5515 N.W. 2nd Avenue, Mark Kruse, President) for one Outfront Rotary Mower to be used by the Park and Recreation Department (Pioneer Park and Glendale Cemetery) for a total cost of \$92,139.72. (Six bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-237 (C) Allied Colloids, Inc., (Suffolk, VA, Peter Nichols, President) for an annual contract for dry polymer to be used by the Engineering Department (Wastewater Reclamation Facility), \$1.58 per pound. (See roll call for breakdown). (Twelve bids mailed-six received). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-238 82. Report of Civil Service Commission submitting Investigative Assistant and Climate Control Technician (Entrance), and Senior Police Officer, Truck Driver, and Senior Building Equipment Operator (Promotional) lists. **Moved by McPherson to receive and file. Motion Carried 6-1.**

97-239 83. Authorizing Finance Director to draw warrants on registers of January 24, 1997 and the bills of the Des Moines Municipal Housing Agency for weeks beginning January 20, 1997. **Moved by McPherson to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

97-240 84. Repealing Sections 19-1 through 19-11.02 of the Municipal Code regarding Licensing of Ambulance Services in Des Moines; (licensing to be provided by the State). **Moved by McPherson that this ordinance do now pass, #13,414. Motion Carried 6-1.**

97-241 85. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Requests for corner clearance on the south side of Brattleboro at locations between 28th and 31st; east side of E. Ninth north and south of Des Moines Street, and on the west side of Sixth Avenue south of Laurel. **Moved by McPherson that this ordinance do now pass, #13,415. Motion Carried 6-1.**

97-242 86. Amending Chapter 15 of the Municipal Code regarding 1997 Golf Course Fees. **Moved by Hensley to defer action to 1-27-97. Motion Carried 5-2. Absent: Daniels and McPherson.**

ORDINANCES - SECOND CONSIDERATION

97-243 87. 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 be considered and given second vote for passage. Motion Carried 6-1.**

97-244 88. 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 be considered and given second vote for passage. Motion Carried 6-1.**

97-245 89. 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 be considered and given second vote for passage. Motion Carried 6-1.**

97-246 90. Amending Chapter 2 of the Municipal Code regarding competitive bidding requirements for Airport concessions. (Council Communication No. 97-038). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

WITHDRAWN97-247 (A) Final consideration of ordinance above, (waiver requested by Airport Board Chair), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

97-248 91. Amending Chapter 15 of the Municipal Code regarding fees and charges for the Simon Estes Riverfront Amphitheater. (Council Communication No. 97-041) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

WITHDRAWN 97-249 92. Amending Chapter 18 of the Municipal Code regarding prohibition of conflict of interest in city procurement, public improvements and property acquisition, to comply with Federal requirements. (Council Communication No. 97-039)

WITHDRAWN 97-250 (A) Communication from Airport Board Chair, regarding above.

97-251 93. Amending Chapter 2 of the Municipal Code regarding powers and duties of the City Manager - right of entry and access agreements. (Council Communication No. 97-032). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-252 94. Amending Chapter 21 of the Municipal Code regarding various definitions contained in the stormwater management utility ordinance. (Council Communication No. 97-043). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-253 (A) Communication from Charles F. Becker, representing Jann Realty, requesting to speak regarding Stormwater Management Utility Ordinance. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-254 95. 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 Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

****Council considered Item 101 thru end of agenda next****

HEARINGS (Opened at 5:40 P.M.) (Items 96 thru 100)

97-255 96. On 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 Flagg to defer action one week, to 1-27-97. Applicant to provide proof of tax sale and staff to research future use of this property as referenced by applicant's attorney. Motion Carried 6-1.**

97-256 97. On Offer to buy Flood Damaged Property at 2426 Prospect, by John C. Benson, \$15,500. **Moved by Vlassis to adopt and give buyer until the end of October 1997 to bring property up to code. Motion Carried 6-1.**

97-257 98. On vacation and sale of right-of-way subject to existing building encroachments, 214-Third Street, to Estate of Gene J. Miller, \$650 plus costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-258 (A) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-259 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances which have been published, or summaries of which have been published, prior to consideration must be voted upon at one meeting for passage by the City Council prior to the meeting at which it is to be finally passed be suspended, that the first consideration be waived, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,416. Motion Carried 6-1.**

97-260 99. On application from Tom Miller, to rezone property at 4506 SW Ninth Street, from "C-1" (Neighborhood Retail Commercial), to a "C-1A" (Neighborhood Commercial Reuse District), subject to certain conditions, (continued from 1-6-97). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-261 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-262 100. On application from Gary Colby of Menard, Inc., to rezone 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 Phillips to adopt. Motion Carried 6-1.**

97-263 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

* * END HEARINGS at 5:55 P.M. * *

****Council considered Items 109 and 111 next****

CITY MANAGER RECOMMENDATIONS

97-264 101. Regarding authorization to proceed with preliminary work to establish 1998 Street Paving Program - 1996-97 Capital Improvements Program-\$15,000. (Council Communication No. 97-021). **Moved by Flagg to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 97-021. Motion Carried 5-2. Absent: Daniels and McPherson.**

APPROVING

97-265 102. Resolution to secure a grant from the U.S. Environmental Protection Agency (EPA) Brownfields Economic Redevelopment Initiative Program, for site assessment work and related planning for development of an Iowa Agribusiness Park, \$200,000. (Council Communication No. 97-035). **Moved by Phillips to approve. Motion Carried 5-2. Absent: Daniels and McPherson.**

WITHDRAWN 97-266 103. Third Addendum to the Grubb YMCA Lease Agreement, to allow financing, building and maintenance improvements to handball and basketball half-courts and new playground equipment to the area north of the existing building. (Council Communication No. 97-040).

97-267 104. Intergovernmental 28E Agreement with Polk County, Metro Area municipalities, and utility companies, to continue to jointly purchase and maintain a Geo-Based Mapping project known as Central Iowa Automated Mapping (CIAM). (Council Communication No. 97-025). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson**

97-268 105. Approving policy for Waiver of Bid and Performance Bond for Targeting Small Businesses on projects funded through Iowa Department of Transportation, (IDOT). (Council Communication No. 97-023). **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-269 (A) Approving contract and bond for Saylorville Recreational Trail Lighting (IDOT Project) near the Botanical Center--Bailey Construction Company, (Charlie Bailey, President, 2715 W. 63rd Street, Davenport), \$40,223.55. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-270 106. Recommendations from City Council Cable TV Sub-Committee and City Manager regarding Cable Franchise and related issues. (Council Communication No. 97-033). **Moved by Vlassis to receive, file and approve. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-271 (A) Professional Services Contract with Moss and Barnett, to provide advice and assistant in conjunction with the cable television franchise renewal agreement and cable television regulatory ordinance, not to exceed \$58,475. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

WITHDRAWN 97-272 107. Revision to existing job specifications, to add essential duties and required knowledge, and title change from Senior Right-of-Way Agent to Right-of-Way Administrator. (SPM, Range 30A).

97-273 108. Fourteenth (14th) Annual Boards and Commissions Appreciation Dinner - Tuesday, April 29, and approving free parking for the event. **Moved by Hensley to adopt and appoint Council Member Vlassis to assist with fund solicitation. Motion Carried 5-2. Absent: Daniels and McPherson.**

COUNCIL REQUESTS

97-274 109. From Council Member McPherson, to discuss the procedures used in monitoring and evaluating revised agency budgets which are receiving Community Development Block Grant (CDBG) funds. **Moved by McPherson to discuss and refer to City Manager for written report on the issues discussed. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

97-275 110. From William C. Knapp, II, President of AMERUS Properties, requesting to speak to Council regarding development at 10th and Cherry. **Moved by Flagg to receive, file and grant the request to speak; refer to City Manager, Legal and the Mayor to explore possible alternate financing available such as TIF, CDBG and Economic Development, for a report to the Council for further consideration. Motion Carried 6-1.**

97-276 111. Request from Jerry Crawford, Attorney for MTV, to allow several citizens to speak regarding cancellation of MTV on TCI Cablevision in Des Moines. **Moved by Vlassis to receive, file and grant the request to speak; all documents and comments submitted are hereby received and filed. Motion Carried 5-2. Absent: Daniels and McPherson.**

****Council considered Items 86, 91 thru 95 and 101**

thru end of agenda next**

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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.

97-277 1. Legislative Update for 76th Iowa General Assembly. Sponsor: Daniels. **Moved by Flagg to receive and file attached report. Motion Carried 5-2. Absent: Daniels and McPherson.**

A G E N D A

BOARD OF HEALTH

January 20, 1997

97-278 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and McPherson.

AUTHORIZING

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

97-279 (A) 3203 Garfield, vacant, TITLEHOLDER(S): Christy Chiles; LEGAL INTEREST HOLDER: Brian Kay and Bonnie Kay. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

97-280 (B) 4216 SE 13th Street, vacant, TITLEHOLDER(S): Steven C. Maier and Bonnie C. Maier; LEGAL INTEREST HOLDER(S): First Union National Bank, Custodian Breen Capitol, Attn: Gwynn Williams, Assistant Vice President, First Union Home Equity Corporation n/k/a First Union Home Equity Bank, Attn: Tim Thilges, Sales Manager, First Union Home Equity Corporation n/k/a First Union Home Equity Bank, Special Assets, Attn: Angelia Ivie-Huskey, Assistant Vice President. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

97-281 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:07 P.M.