

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

January 22, 1996 4:30 P.M.

**\*\* HEARINGS START AT 5:30 P.M. \*\***

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**The City of Des Moines City Council Meetings are open to all individuals regardless of disability. Any person with a disability who needs a reasonable accommodation to participate in any Council meeting - please contact the Des Moines Access Office at 283-4525 or the City Clerk's Office at 283-4209 three business days prior to the Council meeting.**

INVOCATION: Pastor Bruce Wittern

Easton Place United Methodist Church

CONSENT AGENDA ITEMS 1 through 34 -- See Page 3.

96-259 ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-260 APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

A G E N D A

PERMITS AND LICENSES

January 22, 1996

APPROVING

96-261 1. Communication from Legal Department regarding January 22, 1996 Permit and License Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

#### CLASS "B" BEER LICENSES

96-262 2. Medina's Inc., Martimiano Perez, President dba Angel's Restaurant, 1850 Easton Blvd; Renewal - Expires 2-1-96 (With Sunday Sales) - Application submitted 12-29-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### CLASS "C" BEER LICENSES

96-263 3. Git N Go Convenience, Inc., Dennis Flora, President dba Git N Go Store #27, 1240 Keo Way; New Application (With Sunday Sales) - Application submitted 1-3-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### CLASS "E" BEER LICENSES

96-264 4. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #542, 865 42nd Street; Renewal - Expires 2-5-96 (With Sunday Sales) - Application submitted 1-9-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-265 5. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #524, 3030 Ingersoll; Renewal - Expires 2-2-96 (With Sunday Sales) - Application submitted 1-9-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### CLASS "C" BEER-WINE LICENSES

96-266 6. Yunkil Chung dba Chung's Restaurant, 901 East Euclid; Renewal - Expires 2-6-96 (With Sunday Sales) - Application submitted 1-3-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### CLASS "C" LIQUOR LICENSES

96-267 7. Blues & Co., Inc., William G. Endriss, President dba Blues & Co., 2403 East Walnut; New Application submitted 1-12-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-268 8. Eastgate Lounge, Inc., Jerry E. Mercer, President dba Eastgate Lounge, 1512 East Douglas; Renewal - Expires 1-28-96 (With Sunday Sales) - Application submitted 11-21-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-269 9. Jim Dandy, Ltd., Ardythe Hanson, President dba Jim Dandy's, 2830 6th Avenue; Renewal - Expires 2-5-96 - Application submitted 1-5-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-270 10. HMH, Inc., Helen M. House, President dba Lucky Lady, 2600 Dean Avenue; New Application (With Sunday Sales) - Application submitted 1-8-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-271 11. Paul V Strome dba Sambetti's, 1430 2nd Avenue; Renewal - Expires 1-31-96 (With Sunday Sales) - Application submitted 12-28-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

#### CLASS "C" LIQUOR LICENSES

96-272 12. Hsi Cheng Lee dba Yee Ho Garden, 520 Army Post Road; Renewal - Expires 2-8-96 (With Sunday Sales) - Application submitted 12-29-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

#### AUTHORIZING

96-273 13. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-274 14. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### REFUNDS

96-275 15. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### TRANSFERS

96-276 16. Des Moines Jaycees dba Seniom Sed Friday Fest, Nollen Plaza - 3rd & Locust requesting temporary transfer of Class "B" Beer License No. 9773 to Locust Mall - Food Court, 700 Locust for event on 2-3-96. (Skywalk Golf Tournament) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-277 17. Des Moines Jaycees dba Seniom Sed Friday Fest, Nollen Plaza - 3rd & Locust requesting temporary transfer of Class "B" Beer License No. 9773 to Locust Mall - Food Court, 700 Locust for event on 2-14-96. (Valentine's Day Party) **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### EXTRA ITEMS

96-278 1. Class "C" Liquor License to Plaza Lanes, Inc., Barbara J. Thompson Anderson dba Plaza Lanes, 2701 Douglas; Renewal - Expires 1-28-96 (With Sunday Sales) - Application submitted 11-21-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-279 2. Class "B" Beer License to Ervin Wagner dba Archery Field & Sports, 2542 E. University. SPONSOR: McPherson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-280 3. Class "C" Liquor License to Yolanda Jackson dba Jaguar II, 217 E. Second. SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-281 4. Class "B" Beer License to Big League Skywalk Grill, LC, Joseph M. Falbo, Pres. dba Big Leagues Skywalk Grill & Deli, 700 Locust Suite 301. **Moved by Vlassis to adopt. Motion Carried 7-0.**

\*\*\*\*\* CONSENT AGENDA \*\*\*\*\*

(Items 1 through 34)

**\*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.**

96-282 Approving Consent Agenda. **Moved by McPherson to adopt the balance of the Consent Agenda.**

PUBLIC IMPROVEMENTS

96-283 1. Resolution ordering modification of Building 60 and 70 Material Handling and Miscellaneous Modifications at the Des Moines ICA Wastewater Treatment Plant, Receiving of Bids, (2-13-96), and Setting Date of Hearing, (2-19-96). (Construction Estimate - \$135,187). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-284 2. Resolution levying assessments for cost of nuisance abatement-NAC (Tree Removal), Schedule No. 1996-34, and providing for payment thereof. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-285 3. Approving partial payments on four public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

4. Report of Chief Civil Engineer showing cost of construction of the following:

96-286 (a) 2nd Avenue Sanitary Sewer Cleaning, Insituform Central, Inc., \$12,526.53 is now due and remaining balance of \$15,241.06 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-287 (b) Torgerson Drive Sanitary Sewer, Corell Contractor, Inc., \$8,569.29 is now due and remaining balance of \$3,268.90 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-288 5. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for December, 1995. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-289 6. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of December, 1995, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## COMMUNICATIONS

96-290 7. From Tom Phillips, Staff to the Historic District Commission, advising of vacancy. **Moved by McPherson to receive, file and declare seat vacant. Motion Carried 7-0.**

96-291 8. From John G. Black, submitting his resignation from the Metropolitan Transit Authority, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 7-0.**

96-292 9. From Youth Advisory Coordinating Board advising of changes in Board membership. **Moved by McPherson to receive and file. Staff to identify schools represented. Motion Carried 7-0.**

## COMMUNICATION FROM PLAN AND ZONING

**WITHDRAWN** 10. Regarding request from Allen D. May of the Community Development Department for vacation and conveyance of a portion of E. Market Street right-of-way between SE 28th Street and SE 29th Street.

**WITHDRAWN** 11. Regarding request from Jim Skogsbergh of Central Iowa Health Properties Corp. for vacation and conveyance of a portion of Chestnut Street right-of-way in the vicinity of 1019 Chestnut Street.

## SETTING DATE OF HEARINGS

96-293 12. On vacation of public right-of-way, in vicinity of SW 1st and Elm Streets, (2-5-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-294 13. On application for "Certificate of Public Convenience and Necessity to Operate Limousine Service", David M. and Jean E. Housing, Unique Courtesy Services, Norwalk, (2-5-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

**WITHDRAWN** 14. On application from Dr. James R. Ryan of Ecumenical Ministries of Iowa to rezone property at 3816 36th Street from an "R-2" One and Two Family Residential District to a Limited "C-O" Commercial Residential District and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-5-96).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-295 15. Approving payment of \$50,812.50 to Jack Christie and his attorney, Arthur Hedberg for workers compensation claim for an injury suffered during the course of his employment. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-296 16. Approving payment of \$2,513.57 to Scott Jenkins of Myers, Barnes & Jenkins for representation of the City in the bankruptcy proceedings of America West Airlines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-297 17. Approving payment to Austin, Gaudineer, Austin, Salmons & Swanson, for representation of John LePorte in the case of Robert Rissman, Jr. v. City of Des Moines, \$4,978.72. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-298 18. Approving Legal Department to retain services of Attorney Donald G. Beattie for defense of Kurtis Bender in action in Federal District Court (Richard Bates v. Kurtis Bender) at retention rate of \$95 per hour. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### APPROVING

96-299 19. Staff recommendation regarding proposed annexation by Pleasant Hill of territory in vicinity of NE 70th and NE Rising Sun Drive, (no significant impact on the growth of Des Moines). **Moved by McPherson to receive and file such communications. Motion Carried 7-0.**

96-300 20. Renewal of Agreement with Dowling High School for use of facilities in connection with the 1996 Special Olympics. **Moved by McPherson to adopt. Motion Carried 7-0.**

21. Approving Contracts for CDBG funding of the following projects-January 1 to December 31, 1996:

96-301 (a) Central City Drug/Alcohol Information Office Project - amount not to exceed \$10,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-302 (b) The Connect Foundation - \$3,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-303 (c) River Bend Neighborhood National Register of Historic Places Nominations Phase II Project - amount not to exceed \$30,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-304 (d) New Directions Shelter Project - amount not to exceed \$36,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-305 (e) Survey of Des Moines' Craftsman and Foursquare Homes 1907-1920 Project - amount not to exceed \$25,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

22. 1996 Community Development Block Grant (CDBG) Contracts, January 1 to December 31, 1996, with the Des Moines Independent Community School District New Horizons Program, for the following:

96-306 (a) Home Remodeling Project, \$43,985 and carryover funds of \$33,936. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-307 (b) Home Repair/Chore Services Project, \$110,000. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-308 (c) Archie Brooks Community Center and Recreation Complex-Logan Elderly/Handicapped Assistance Project, \$19,248. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-309 (d) Summer Youth Employment Project, \$95,370. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

23. Approval of City Project Work Program terms and conditions for Community Development Block Grant (CDBG) funding of the following projects:

96-310 (a) Neighborhood Revitalization Project - amount not to exceed \$124,100. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-311 (b) Churches United Shelter Project - \$20,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-312 (c) Transitional Housing Program Project - \$23,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

24. State Emergency Shelter Grant Funds Contract Charges:

96-313 (a) Amendment Two, Emergency Shelter Grants Program Contract No. 95-ES-008 - \$4,039 and \$9,100. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-314 (b) Amendment One, 1995-96 New Directions Shelter Project - \$9,100. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-315 (c) Amendment One, 1995-96 House of Mercy Project - \$4,039. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-316 25. Community Services Block Grant Program Contract Number CSBG-96-07-CJ allocation for use during the period from October 1, 1995, to September 30, 1996 - \$315,063. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-317 26. Backslope and Property Adjustment Easement and Release in connection with 1995 Paving Program No. 1-Caulder Avenue from SW 14th Street to SW 13th Place, from Richard D. Koskovick, 3401 SW 14th Street - \$1,028. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-318 27. Backslope and Property Adjustment Easement and Release in connection with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, from Marilyn Burris, 1045 63rd Street - \$50. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-319 28. Backslope and Property Adjustment Easement and Release, Offer to Purchase and Warranty Deed in connection with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, from Robert C. and Doris A. Hestbech, 1117 63rd Street - \$966.80. **Moved by McPherson to adopt. Motion Carried 7-0.**

29. Bids for the following:

96-320 (a) Vehicles and specialized equipment to be used by the Police Department. (Seven bids mailed-three bids received). (See roll call for vendors and vehicle specifications and price breakdowns). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-321 (b) Iatech Sales Co., (1610 East Madison Avenue, John Jacox, President) for annual contract with one twelve-month renewal option for rainsuits to be used by the Public Works Department. (Nine bids mailed-three bids received). (See roll call for various specifications and price breakdown). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-322 30. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-323 31. Certification of Civil Service Entrance List for Laboratory Analyst. **Moved by McPherson to approve. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

96-324 32. Amending Chapter 2 of the Municipal Code to correct references to the City Plan and Zoning Commission, (code update for clarification). **Moved by McPherson that this ordinance do now pass, #13,297. Motion Carried 7-0.**

96-325 33. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Parking meter time change from 2- to 10-Hour meters on the north side of E. Locust from E. Fourth to E. Fifth; Designating Euclid Avenue as a "through" street from 30th to Post; Designating Snow Routes on Meredith Drive from Beaver Avenue to Merle Hay, and on Tuttle Street from SW 2nd to SW 3rd; and corner clearance requests on the south side of Morton East of E. Ninth, and on the north side of Corning Avenue east of Fifth Avenue. **Moved by McPherson that this ordinance do now pass, #13,298. Motion Carried 7-0.**

#### ORDINANCES - SECOND CONSIDERATION

96-326 34. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Handicapped Parking Zone at Lincoln High School; Snow Route Designations on Center Street from Second to Keo, on Park from Keo to Second, on Madison from 6th to 12th, and on 12th from Euclid to North City Limits; Parking restriction on the west side of 12th Street from 50' south of Euclid to Clinton; and revised bus loading/unloading zones on 37th Street and 38th Place-Greenwood Elementary School. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**



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

ORDINANCES - FIRST CONSIDERATION

**WITHDRAWN 35.** Amending Chapter 18 of the Municipal Code regarding appointment of members of the Special Assessment Valuation Committee. (Council Communication No. 96-031)

RECOMMENDATIONS FROM CITY MANAGER

96-327 36. Professional Services Agreement between the City of Des Moines and Brooks Borg and Skiles Architects/Engineers for Development of Preliminary Planning and Design of Skywalk Vertical Access to the 8th and Mulberry Parking Garage, compensation not to exceed \$161,425. (Council Communication No. 96-036). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

**Council considered Item 53 and then Hearing Items 48 thru 51 next**

37. Skywalk Agreements including limited Skywalk easements with the following, (Council Communication No. 96-037):

96-328 (a) United States of America through its General Service Administration. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-329 (b) Civic Center of Greater Des Moines. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-330 (c) Polk County. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-331 (d) Third Amendment to contract for lease and lease of Land for Private Redevelopment with the Civic Center of Greater Des Moines. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-332 38. Amendment One to the Skywalk Agreement with The Graham Group and Equitable Life Insurance Company of Iowa, to allow the Graham Group to construct Skywalk Bridge 8E-9E.(Council Communication No. 96-038) **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-333 39. Skywalk Agreement including limited Skywalk Easements, with Firststar Bank Des Moines, N.A., for wall opening to the Skywalk System. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-334 (a) Second Amendment to the Skywalk Agreement with Hubbell Terminal Corporation, (former Penneys Building). (Council Communication No. 96-039) **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-335 40. Approval of Short-Term Lease for 1700 Grand Avenue Between the City of Des Moines and Betts' Lexus Operation in connection with the Meredith Corporate Expansion Project; February 1 to April 30, 1996. (Council Communication No. 96-041) **Moved by Flagg to approve utilizing Staff recommendation regarding value of Fair Market Rent. Allow Betts the option to provide additional information/appraisals with regard to Fair Market Rent, as appropriate. Motion Carried 5-2. Nays: Davis and Vlassis.**

96-336 (a) Approval of Short-Term Lease between City of Des Moines and Betts Cadillac, Inc., in connection with the Meredith Corporate Expansion Project, February 1 to February 29, 1996. **Moved by Flagg to adopt utilizing Staff recommendation regarding value of Fair Market Rent. Allow Betts the option to provide additional information/ appraisals with regard to Fair Market Rent, as appropriate. Motion Carried 5-2. Nays: Davis and Vlassis.**

96-337 41. Preliminary Engineering Design of the east/west segment of the Martin Luther King Jr. Parkway Project, from SW Second to Fleur Drive, subject to approval from IDOT and FHA. (Council Communication No. 96-040). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

96-338 42. Intergovernmental 28E Agreement with Pleasant Hill, for joint exercise of powers to construction project improvements, for the Four Mile Creek Greenway Trail. (Council Communication No. 96-032). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-339 43. Regarding submission of Community Economic Betterment Account (CEBA) application (\$122,500) to the State, and give preliminary approval for Local Contribution (\$100,000), for Distributed Resource Management, Inc. (to be located in the Merle Hay Executive Office Tower). (Council Communication No. 96-034) **Moved by Vlassis to approve. Motion Carried 4-2. Absent: Daniels and Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-340 44. Regarding Designation of the Second Avenue Overpass, as ineligible for the National Register of Historic Place, due to significant alteration to the overpass in 1985. (Council Communication No. 96-042) **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

96-341 45. Regarding placement of signage near Sec Taylor Stadium, to advertise as the site for the 1997 AAA All-Star Game playoffs. (Council Communication No. 96-043) **Moved by Hensley to approve the proposed signage in accordance with the accompanying Council Communication No. 96-043. Motion Carried 6-1. Absent: Daniels.**

**WITHDRAWN** 96-342 46. Regarding City of Des Moines Legislative Update for Seventy-Sixth General Assembly, (report to be distributed on Monday).

96-343 47. Regarding approval of a contract for Out Placement Services for employees affected by the Early Retirement Incentive Program and the Severance Program. (Council Communication No. 96-031) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

**\*\*Council considered Item 52 thru end of agenda next\*\***

HEARINGS (Opened at 5:35 P.M.) (Items 48 thru 51)

96-344 48. On reconsideration of vacation and conveyance of property in vicinity of Twana Drive and 40th Street, to John Prigge and Donald Pease, \$5,610, (due to error in legal description). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-345 (a) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Flagg.**

96-346 (b) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Vlassis 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, #13,299. Motion Carried 6-1. Absent: Flagg.**

**WITHDRAWN** 49. Communication from City Plan and Zoning Commission, finding the proposed Urban Renewal Plan for Hiatt Square Urban Renewal Area (vicinity of E. University, Fremont, York and E. 14th), in conformance with the Des Moines 2000 Comprehensive Plan.

96-347 (a) Resolution of Necessity and finding the Hiatt Square Urban Renewal Area to be a blighted area and rehabilitation is necessary in the interest of public health, safety and welfare. **Moved by McPherson to continue to February 5, 1996, at 5:30 P.M. Motion Carried 7-0.**

96-348 (b) Closing the hearing on Urban Renewal Plan for Hiatt Square Urban Renewal Project. (Council Communication No. 96-033) **Moved by McPherson to continue to February 5, 1996, at 5:30 P.M. Motion Carried 7-0.**

**WITHDRAWN** 96-349 (c) First consideration of ordinance designating the area as a tax increment financing district.

**WITHDRAWN** 96-350 49. (d) Final consideration of ordinance above, (waiver requested by Office of Economic Development.

96-351 50. On Park Avenue Box Culvert at Frink Creek, (IDOT Project): Resolution approving plans, specifications, form of contract documents and Engineer's estimate. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-352 51. On Administrative Hearing Officer's decision regarding Vehicle Impound of John Walk. **Moved by Daniels to receive, file and uphold the decision of the Hearing Officer and find that there was probable cause to impound the vehicle. Motion Carried 5-2. Nays: Davis and Flagg.**

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

APPROVING

96-353 52. Cemetery Vandalism Report and Recommendations from the Park Board Cemetery Committee, (continued from 1-15-96). **Moved by Phillips to receive, file and refer to City Manager to prepare cost estimates and affect on City Budget. Motion Carried 7-0.**

96-354 53. Oral request of Council Member McPherson, to allow members of Tenants Take Action-Radio City Mobile Home Park, Citizens for Community Improvement, Greater East Side Development, and Highland Park Community Action Association, to make a presentation. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 7-0.**

96-355 54. Second Consideration of ordinance on Proposed Connection Fee Ordinance for Southwest Airport Trunk Sewer System Benefitted District. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

96-356 (a) Final consideration of ordinance above, (waiver requested by Engineering Department), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,300. Motion Carried 6-1. Nays: Flagg.**

96-357 (b) Designating lowest responsible bidder for the Southwest Airport Trunk Sanitary Sewer, as McAninch Corporation, (Emery L. Sanford, Vice Pres, WDM), \$1,530,251.25, and approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

96-358 (c) Permission to sublet certain items. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

96-359 55. Professional Services Agreement with RAMP Associates for a study of the 7th and Mulberry Parking Ramp and an analysis of the Municipal Parking System, compensation not to exceed \$45,300. (Council Communication No. 96-035) **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

96-360 56. Form of Loan Agreement and providing for issuance and securing payment of \$1,800,000 Taxable Airport Revenue Capital Loan Notes, and \$1,200,000 Airport Revenue Capital Loan Notes, and providing for payment. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

96-361 57. Authorizing Finance Director to draw warrants on registers of January 26, 1996 and February 2, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning January 22, 1996 and January 29, 1996, and the biweekly payroll due employees on February 2, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

96-362 58. From Margene and Daniel Carter, 1432 E. 16th, regarding assessments filed against 1436 E. 16th. **Moved by Flagg to receive and file. Motion Carried 6-1. Absent: Daniels.**

96-363 59. From Phil Huber, 418 E. Sheridan, requesting to speak regarding notice for Police False Alarms. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

96-364 60. Communication from Eugene White, Des Moines Action Board Chair, requesting City Council to fill vacant Neighborhood Site Office positions as soon as possible. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-365 61. From Council Member At Large George E. Flagg, regarding Local Option Sales Tax. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-366 62. From Council Member At Large George E. Flagg, regarding Employee Deferred Compensation Program. **Moved by Flagg to receive and file. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-367 63. From City Council Legislative Sub-Committee submitting a resolution in support of State roll back of property taxes. **Moved by Hensley to adopt, authorize and submit to the Iowa General Assembly. Motion Carried 6-1. Nays: McPherson.**

96-368 64. Recommendation of City Council Employee Evaluation Sub-Committee, regarding Corporation Counsel, (continued from 1-15-96). **Moved by Vlassis to receive, file and adopt the recommendations of the Sub-Committee and to recommend implementation of a search process. Motion Carried 6-1. Pass: Flagg.**

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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.**

96-369 1. Recommendation of Council Member Hensley, for reappointment of Marilyn Staples to the City Plan and Zoning Commission, five-year term to expire July 3, 2000. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-370 2. Revised Consolidated Annual Contributions Contract with HUD, governing Owned Housing Projects. SPONSOR: Hensley. (Council Communication No. 96-044) **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

January 22, 1996

96-371 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

1. Communications regarding demolition cost reserve escrowed for the following:

96-372 (a) 1223-10th. **Moved by Vlassis to receive and file and to direct the Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure.**

96-373 (b) 1120-21st. **Moved by Vlassis to receive and file and to direct the Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure.**

AUTHORIZING

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

96-374 (a) 2749 Logan (vacant) TITLEHOLDER/LANDLORD: AmerUs Bank f/k/a Midland Savings Bank FSB. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-375 (b) 1510-13th (vacant) TITLEHOLDER/LANDLORD: Wagner Wallace Enterprises, Attn: Edward L. Bodensteiner; LEGAL INTEREST HOLDER: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-376 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:40 P.M.**