

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 17, 1997 4:30 P.M.

****CLOSED SESSION 3:30 P.M.****

97-765 1. ROLL CALL:**Present: Daniels, Hensley, McPherson, Phillips and Vlassis. Absent: Davis and Flagg.**

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

97-766 I. (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 5-2.**

97-767 (B) Closed Session to discuss matters of pending litigation.

97-768 (C) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 5-2.**

97-769 (D) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Vlassis to adopt. Motion Carried 5-2.**

97-770 (E) Resolution to recess and reconvene at 4:30 P.M. **Moved by McPherson to adopt. Motion Carried 5-2.**

INVOCATION: Pastor Jerry Crenshaw, Indianola Heights Christian Church

97-771 II. Request from Greater Des Moines Chamber of Commerce Federation, to make a presentation on the City's new theme, "Des Moines, Smart Life". **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2.**

97-772 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-2.**

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***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.**

97-773 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

97-774 4. Communication from Legal Department regarding March 17, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 5-2.**

Class "B" Beer Licenses

WITHDRAWN97-775 5. Campbell's Concessions, Inc., Calvin Campbell, President dba Campbell's, 3000 East Grand, Iowa State Fairgrounds - 4-H Building; New Application (With Sunday Sales) - Application submitted 3-27-97.

97-776 6. City of Des Moines dba Grandview Golf Course, 2401 East 29th Street; Renewal - Expires 3-31-97 (With Sunday Sales and Beer Garden) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 5-2.**

Class "E" Beer Licenses

97-777 7. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-97 (With Sunday Sales) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-778 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 5701 Fleur Drive; Renewal - Expires 4-18-97 (With Sunday Sales) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 5-2.**

Class "C" Liquor Licenses

97-779 9. Marcella Nelson dba Bob Nelson's Lounge, 1605 6th Avenue; Renewal - Expires 3-31-97 (With Sunday Sales) - Application submitted 2-17-97. **Moved by Vlassis to defer action to April 7, 1997 meeting and request Vice Unit to do a more intensive study of the activities surrounding this establishment. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-780 10. Campbell's Concession's, Inc., Calvin Campbell, President dba Campbell's, 3000 Grand, Iowa State Fairgrounds, 4-H Building; New Application for five (5) day license for Pony Express Dance to be held on March 29, 1997 - Application submitted 2-27-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-781 11. Drake University, Patrick D. Cavanaugh, President dba Rathskellar/Olmsted Upper Level/Drake Lounge/Sports & Recreation Center/Mainstay, 2507 Carpenter; Renewal - Expires 3-25-97 (With Sunday Sales and Beer Garden) - Application submitted 2-17-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-782 12. Quail Enterprises, Inc., Henry Schneider IV, President dba Iowa Beef Steak House, 1201 East Euclid Avenue; Renewal - Expires 3-2-97 (With Sunday Sales) - Application submitted 2-19-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-783 13. JTMC, Inc., Tammie M. Chamberlain, President dba Pop-A-Top, 2201 Easton Blvd; New Application (With Sunday Sales) - Application submitted 2-14-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-784 14. Mary F. Blanchard dba Sunrise Tap, 4155 Easton Blvd; Renewal - Expires 4-2-97 (With Sunday Sales) - Application submitted 2-17-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

Authorizing

97-785 15. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Daniels. Absent: Davis and Flagg.**

97-786 16. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 5-2.**

Refunds

97-787 17. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

18. Approving various actions for 1995 Paving Program No. 1:

97-788 (A) Accepting Work and Ordering Preparation of Plat and Schedule of Assessments. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-789 (B) Adopting and Levying Final Schedule of Assessments. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-790 (C) Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Eco Tech Contractors, Inc., \$5,987.14 is now due and \$36,785.51 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 5-2.**

19. Approving various actions for 1996 Intermediate Paving Program No. 1, Schedule No. 1996-42:

97-791 (A) Accepting Work and Ordering Preparation of Plat and Schedule of Assessments. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-792 (B) Adopting and Levying Final Schedule of Assessments. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-793 20. Amendment to Professional Services Agreement with Brown and Caldwell, to perform a Hydrogen Sulfide Study in the Four Mile and Eastside Trunk Sewers, in an amount not to exceed \$57,253. (Council Communication No. 97-128) **Moved by Vlassis to adopt. Motion Carried 5-2.**

97-794 21. Authorization to proceed with widening of E. Indianola Avenue at Evergreen Avenue, included in the 1997-98 Capital Improvements Program. (Council Communication No. 97-116). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-795 22. Request from Venter Spooner, Inc., for and extension of thirteen (13) calendar days for the Archie Brooks Community Center Gymnasium Expansion, extending the completion date to July 6, 1997. **Moved by Hensley to receive, file and grant the extension of time thirteen (13) calendar days, to extend the completion date until July 6, 1997. Motion Carried 5-2.**

97-796 23. Agreement with Iowa Department of Transportation (IDOT) for the M.L. King Jr. Parkway and Hickman Road Traffic Signal Upgrading Project. (Council Communication No. 97-117). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-797 24. Approving agreement with Iowa Department of Transportation for maintenance of primary road extensions within the city of Des Moines, from July 1, 1996 to June 30, 1997. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-798 25. Communication from Iowa Department of Transportation (IDOT), giving notice of a debris removal project at the Des Moines River Bridge, March 25, 1997. **Moved by Hensley to receive and file. Motion Carried 4-3. Absent: Davis, Flagg and McPherson.**

97-799 26. Approving contract and bond for East-Side Traffic Signal Upgrading Project, Brown Bros. Inc, Electrical Contractors, (Charles L. Brown, C.E.O., 107 E. 5th Street, DM) \$186,349. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-800 27. Approving contract and bond for Botanical Center Greenhouse Roof Replacement, with United Greenhouse Systems Inc., (Dan Billhorn, Pres., Edgerton, WI), \$61,217.44. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-801 28. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by property owner, Robert O. and Barbara C. Musgrave, 2206 E. Walnut. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-802 29. Communication from contractors, requesting permission to sublet certain items on two City Public Improvement projects. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-803 30. Approving partial payments on four public improvement projects. **Moved by Hensley to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

WITHDRAWN97-804 31. Approving Final Subdivision Plat for SOMERSET II, vicinity of SE 3rd Street and SE 5th Street (Southside YMCA), developed by Clarke Companies. (Council Communication No. 97-124).

97-805 32. Approving Final Subdivision Plat for PINE MEADOWS, vicinity of SW 26th and Emma Avenue, developed by Ron and Sharon Curnes. (Council Communication No. 97-126). **Moved by Hensley to adopt subject to receipt of the Treasurer's Certificate and other necessary attachments as required by Iowa Code 354.11 and approval of same by the Legal Department. Motion Carried 5-2.**

97-806 33. Release of remaining Subdivision Bond, \$23,004, to Jim Cooper, for COOPER PLACE PLAT NO. 2, and waiving requirements for sidewalks along SW 26th Street. (Council Communication No. 97-125). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-807 34. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II-Resale Assurance Program. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-808 35. Approving Noise and Avigation Easements for eleven properties in conjunction with the Airport Noise Compatibility Program, Phase II-Easement Purchase Program. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-809 36. Overhead Electric Line Easement from MidAmerican Energy Company, in conjunction with Pioneer Columbus Community Center. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-810 37. Temporary Easement for Construction, in conjunction with Ditch Maintenance, from Randolph J. and Lorraine E. Hansen, 3400 Valdez Drive-\$3,543.75. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-811 38. Permanent Easement for Street Right-of-Way and Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement, from Kenneth H. and Adelle T. Nesheim, 4224 East University Avenue-\$20,000. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-812 39. Backslope and Property Adjustment Easement and Release, Permanent Easement from Storm Sewer Right-of-Way and Easement for Surface Water Flowage, in conjunction with Iowa 5 (E. Army Post Road) and E. Indianola Avenue Intersection Improvement, from Bloomfield Township for Elm Grove Cemetery, 6505 Indianola Avenue-\$225. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-813 40. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 5 (E. Army Post Road) and E. Indianola Avenue Intersection Improvement from R & J Mobile

Homes, Inc., 6475 Indianola Avenue-\$25. **Moved by Hensley to adopt. Motion Carried 5-2.**

41. Backslope and Property Adjustment Easement and Release and Warranty Deed, in conjunction with 1995 Paving Program No. 1,-E. 34th Street/SE 34th Street-Dean Avenue to Railroad Tracks from:

97-814 (A) Ervin W. and Wanetta J. Mikesell, 117 SE 34th Street-\$410. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-815 (B) Barbara J. Haws, 135 SE 34th Street-\$471. **Moved by Hensley to adopt. Motion Carried 5-2.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-816 42. Approving appointment of Steve Gunson as Alternate to Transportation Technical Committee (TTC) of Metropolitan Planning Organization (MPO) to replace Alternate Phil Poorman. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-817 43. Approving recommendation of Council Member Gene Phillips, Ward IV, for reappointment of Marian Thomas to Des Moines Traffic Safety Committee, three-year term commencing in 1994 to expire December 31, 1997, plus additional three-year term ending in 2000. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-818 44. Communication from Eric Horlyk, submitting his resignation from Housing Appeals Board, effective March 16, 1997. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 5-2.**

97-819 45. Approving Des Moines International Airport Board By-Laws. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Davis, Flagg and McPherson.**

SETTING DATE OF HEARINGS

97-820 46. On proposal to sell excess City property at 698-20th Street, to Sherman Hill Association, \$340 and agreement for renovation within one year, (3-24-97). (Council Communication No. 97-130). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-821 47. On petition to establish The Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID), (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-822 (A) Recommendation from Plan and Zoning Commission regarding above. **Moved by Hensley to receive and file. Motion Carried 5-2.**

97-823 48. On application from Charlene Mae Simmons, to rezone property at 2411 E. 36th Street, from "U-1" (Flood Plain District) to an "R1-60" (One Family Low Density Residential), and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-7-97). **Moved by**

Vlassis to adopt. Legal Department to report on City's potential liability, if any, reference to flooding. Motion Carried 4-1-2. Nays: McPherson. Absent: Davis and Flagg.

97-824 49. On application from Jeff Fisher, to rezone property at 901-39th Street from "R-2" (One and Two Family Residential) to a "C-1A" (Neighborhood Commercial Reuse District), approve Reuse Plan, and find this in conformance with Des Moines 2000 Land Use Plan, (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-825 50. On application from Floyd Gephart, to rezone property at 3014 E. 35th Street, from "U-1" Flood Plain District to a Limited "R1-60" (One Family Low Density Residential), and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-7-97). **Moved by Vlassis to adopt. Legal Department to report on City's potential liability, if any, reference to flooding. Motion Carried 5-2.**

97-826 51. On application from James Conlin, of the Phoenix Group, to rezone property in vicinity of 1514 Evergreen, from "C-4" (Shopping Center Commercial) to a P.U.D. (Planned Unit Development), and approve conceptual plan "Southbrook Green II", (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-827 52. On application from 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 District, (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-828 53. On conveyance of the North/South alley right-of-way in the vicinity of 1232 E. 22nd Street, to Robert J. Tursi, \$25 plus costs, (3-24-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-829 54. On conveyance of the North/South alley right-of-way west of the 2800 block of E. 16th, to Luther Care Services, \$75 plus costs, (3-24-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-830 55. On vacation and conveyance of a portion of the E. 33rd Street right-of-way between E. Euclid and E. Douglas, to Bernard J. Baker III, \$10,000, (3-24-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-831 56. On rezoning of land within the City and Northeast of the Des Moines River presently zoned R-2, to a Single Family District Classification, (4-7-97). **Moved by Vlassis to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-832 57. Approving payment of \$804.77 to Ensz and Jester, P.C. for Robert Jester's representation of William Hansen in lawsuit entitled Robert B. DePugh v. William Hansen, et al. **Moved by Hensley to approve payment. Motion Carried 5-2.**

97-833 58. Approving payment of \$12,286.52 to Hopkins & Huebner, P.C. for representation of the Officer Michael Craig in lawsuit entitled Jane Taylor vs. Michael Craig, et al. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-834 59. Approving payment of \$1,016.80 for September/October, 3,363.00 for October, \$3,562.76 for November and \$2,613.82 for December to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for services related to collective bargaining and related matters for City of Des Moines. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-835 60. Approving payment of \$38.00 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in lawsuit entitled Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-836 61. Termination of the Consent Decree in the matter of the United States v. City of Des Moines and others, in the U.S. District Court of the Southern District of Iowa, (Wastewater Reclamation Authority (WRA) - Clean Water Act). (Council Communication No. 97-127). **Moved by Hensley to adopt. Motion Carried 5-2.**

CITY MANAGER COMMUNICATIONS

97-837 62. Submitting out-of-state travel request for Gary Lozano. (Council Communication No. 97-114). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-838 63. Submitting request from Des Moines Police Department to change Commercial Loading Zone to 24-hour Loading Zone, - East side of Fifth Avenue, from Walnut to 125' north, (continued from March 3, 1997). (Council Communication No. 97-132). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

APPROVING

97-839 64. Tax abatement application for 1996, for John Clarke, Clarke Co., 335 Burnham Avenue. (Council Communication No. 97-123). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-840 65. City Manager's Monthly Financial Report for January 1997, (on file in the City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 5-2.**

66. Bids for the following:

WITHDRAWN97-841 (A) Eddy Walker Equipment Co., (Donald Eddy, President, 4044 E. 14th Street) for two melter applicators to be used by Department of Public Works, Street Maintenance Division, \$40,560, (Six bids mailed-four received).

97-842 (B) Saxton, Inc. (108 Third Street) for Hons Concensys office furniture for remodeling in Vice and Narcotics Division of Police Department, \$36,995.08, (State of Iowa Contract) **Moved by Hensley to adopt. Motion Carried 5-2.**

97-843 (C) Century Systems, (Todd Ferson, President, Clive, Ia.) for laptop computers, \$10,296; Gateway 2000, Inc., (North Sioux City, Ia) for desktop computers, \$11,450; Pomeroy Computer Resources, (Rick Feaster, President, 1408 Locust Street) for laser printers, \$9,942 for use by Research and Development Division, Police Department, (Seven bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-844 (D) Charles Gabus Ford, (4545 Merle Hay Road) for three Ford Taurus Sedans to be used by Fire Department Administration, \$43,181.30, (State of Iowa Contract). **Moved by Hensley to adopt. Motion Carried 5-2.**

WITHDRAWN97-845 (E) Cross Comm Corporation, (Rosemont, IL) for procurement of bridge routers and maintenance to be used by Data Processing Center, \$17,642.56, (Non-competitive Procurement).

WITHDRAWN97-846 (F) GE Capital Information Technology Solutions, (Urbandale) for procurement of computer equipment for Internet Web Server to be used by Data Processing Center, \$10,177, (Non-competitive Procurement).

97-847 (G) The Paper Corporation (Dean Nims, President, 1865 NE 58th Avenue) and Unisource, (Lute McEwen, Vice President, 1900 E. 17th Street) for an annual price agreement for office paper to be used by all City Departments, (see roll call for price list), (Ten bid mailed-Six received). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-848 66. (H) Miller Mechanical Specialties, Inc. (Craig Miller, President, 613 3rd Street) for gas blending system for engines and boiler located at Wastewater Reclamation Facility, \$18,400, (Nine bids mailed-One received). (Council Communication No. 97-121). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-849 (I) Castle Distributing, (Columbia Height, MN) for emergency purchase of photographic film processor to be used by Police Department, \$14,580. (Council Communication No. 97-134). **Moved by Hensley to adopt. Motion Carried 5-2.**

67. Report of Civil Service Commission submitting lists for the following:

97-850 (A) Entrance List for Operator Helper and Promotional List for Truck Driver. **Moved by Hensley to receive and file. Motion Carried 5-2.**

97-851 (B) Entrance List for Accounting Section Chief. **Moved by Hensley to receive and file. Motion Carried 5-2.**

97-852 (C) Oral request of Council Member Daniels to discuss composition of the Civil Service Commission. **Moved by Daniels to refer to Legal Department to prepare proposed legislation to change the size of the Civil Service Commission.**

97-853 68. Authorizing Finance Director to draw warrants on registers of March 21, 1997; bills of the Des Moines Municipal Housing Agency for weeks beginning March 17, 1997. **Moved by Hensley to adopt. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION

97-854 69. On Amendments to the Zoning Ordinance, to create the Neighborhood Pedestrian Commercial District Classification. **Moved by Hensley that this ordinance do now pass, #13,438. Motion Carried 5-2.**

97-855 70. On Amendments to the Site Plan Review Requirements, to facilitate the "NPC" Neighborhood Pedestrian Commercial District. **Moved by Hensley that this ordinance do now pass, #13,439. Motion Carried 5-2.**

97-856 71. On rezoning of property in the 800 block of E. County Line Road from "R-3" (Multi-Family Residential) to an "R-5" (Mobile Home Residential). **Moved by Hensley that this ordinance do now pass, #13,440. Motion Carried 5-2.**

97-857 72. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Additional Handicapped Parking Meters on 10th Street-Cherry Street to Mulberry Street; 10th Street-Grand Avenue to High Street; Court Avenue-2nd Avenue to 3rd Street; Locust Street-East 1st Street to Second Avenue; E. Grand Avenue-E. Sixth Street to Pennsylvania Avenue; Walnut Street-Tenth Street to Eleventh Street; Grand Avenue-Fifth Avenue to Sixth Avenue; Grand Avenue-Ninth Street to Tenth Street; Park Street-Second Avenue to Fourth Street. **Moved by Hensley that this ordinance do now pass, #13,441. Motion Carried 5-2.**

ORDINANCES - SECOND CONSIDERATION

97-858 73. On amendment to the Zoning Ordinance regulations regarding duplexes. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

97-859 74. On City Council-initiated City-wide rezoning of property in the general vicinity south of the Raccoon River and Des Moines River to the South City Limits, from R-2 (One and Two Family Residential) to a Single Family District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

97-860 75. On rezoning of property at 5555-5611 Meredith Drive, from "A-1" (Agricultural District) and C-2 (General Highway Oriented Commercial) to a PUD (Planned Unit Development). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

97-861 76. On rezoning of property in the 2501 block of E. Army Post Road, from "R1-80" (One Family Residential) and "A-1" (Agricultural District) to "PUD" (Planned Unit Development). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

97-862 77. Amending Chapter 27 of the Municipal Code regarding installation of handicapped parking in the vicinity of Third and Locust. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

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

ORDINANCES - FIRST CONSIDERATION

97-863 78. Amending Chapter 5 of the Municipal Code regarding prohibited sales and acts and certificate of exemptions for alcoholic beverage licensed establishments. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

97-864 79. Amending Chapter 2 of the Municipal Code regarding duties of the City Engineer to reflect recent reorganization and consolidation. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

****Council considered Item 88 through 90 next****

INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 80)

97-865 80. To solicit Citizen input regarding proposed policy changes for Tax Increment Financing Districts (TIF's). **Moved by Vlassis to receive, file and grant the request to speak; forward comments to City Manager for review. Another Information Hearing will be March 24 on this subject. Motion Carried 5-2.**

* * END INFORMAL HEARINGS at 5:40 P.M. * *

HEARINGS (Opened at 5:40 P.M.) (Items 81 thru 87-I)

97-866 81. On authorization of a Loan Agreement and Issuance of \$3,600,000 Airport Revenue Capital Loan Notes, Series 1997. (Council Communication No. 97-129). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-867 (A) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-868 82. On amendment to the Zoning Ordinance regulations regarding design and construction of single-family homes, including mobile and manufactured homes, to require compliance with various standards. **Moved by Vlassis to adopt. Motion Carried 5-2.**

97-869 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

97-870 83. On request from Kevin Smith, Turkey Time Concessions, to rezone property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a Limited "M-1" (Light Industrial District). **Moved by Hensley to refer back to City Plan Commission for further consideration and discussion between the Neighborhood and applicant, and return to Council at its April 7 meeting. Motion Carried 5-2.**

WITHDRAWN97-871 (A) First consideration of ordinance above.

WITHDRAWN97-872 84. On application from Keith Spiker of Quik Trip, to rezone property at 933 63rd Street from R1-80 (One Family Residential) to a Limited C-2 (General Retail and Highway Oriented Neighborhood Commercial), and amending the Des Moines 2000 Land Use Plan by revising the classification from Low Density Residential to Commercial, (City Plan Commission recommends DENIAL - Approval of request requires six affirmative votes).

97-873 85. On Demolition Contract No. 165, B.H.N.A.C.; approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L.A. Company, (Linda L. Wicker, Owner, 1241 Adams, DM), \$81,943. **Moved by Vlassis to adopt, removing 315 Franklin and 1808-7th from the contract. Motion Carried 4-3. Absent: Davis, Flagg and McPherson.**

97-874 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Flagg and McPherson.**

97-875 86. On 1997 Sanitary Sewer Cleaning and TV Inspection; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hydro-Klean, (Andrew W. Merial, Pres, Ankeny), \$8,165. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-876 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-877 87. On Easter Lake Trash Rack on Yeader Creek; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Herberger Construction Co., Inc, (Dean Herberger, Pres, Indianola), \$29,830. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-878 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-879 87-I On proposed Lease Agreement with Club Car Inc., for rental of 95 golf carts, for a 36-month period, for use at Grandview and Waveland Golf Course, \$63,270 annually, and to continue to 3-24-97. **Moved by McPherson to continue to March 24, 1997. Motion Carried 4-3. Absent: Davis, Flagg and Daniels.**

WITHDRAWN97-880 (A) Approving form and execution of lease.

* * END HEARINGS at 7:00 P.M. * *

****Council considered Item 91 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

97-881 88. Legislative Update for 76th Iowa General Assembly (Report available on Monday 3-17-97). **Moved by McPherson to receive and file the attached report.**

97-882 89. Approving salary increase for Supervisory, Professional and Management (SPM) employees. (Council Communication No. 97-131) **Moved by Hensley to adopt. Motion Carried 5-2.**

97-883 90. Regarding request for Hotel/Motel Tax Funding, for Des Moines Sports Authority and Downtown Partnership. **Moved by Hensley to defer to 3-24-97. Motion Carried 4-3. Absent: Davis, Flagg, and Vlassis.**

****Council considered Hearing Items 80 thru 87-I next****

APPROVING

97-884 91. Health Insurance Delinquent Payment and Coverage Cancellation Policy. (Council Communication No. 97-118). **Moved by Vlassis to adopt; City Manager to assess a standard penalty rate for late payment, and is also authorized to waive the penalty, in event of hardship. Motion Carried 4-3. Absent: Davis, Daniels and Flagg.**

WITHDRAWN 92. Amending Supplemental Agreement to Communication Services Agreement with State of Iowa Department of General Services for procurement of Internet Access through I.C.N. (Council Communication No. 97-119)

97-885 93. Minor changes to the Manual of Implementation Procedures for Phase II of the Airport Noise Compatibility Program, including the Noise and Avigation Easement and Resale Assurance Programs. (Council Communication 97-135). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Davis, Daniels and Flagg.**

97-886 94. Recommendation and implementation of Tree Trimming Task Force Report. (Council Communication No. 97-115). **Moved by Daniels to adopt. City Manager to provide a status report in six (6) months. Motion Carried 4-1-2. Nays: McPherson. Absent: Davis and Flagg.**

97-887 95. Loan to Elegant Ltd., d/b/a Elegant Touch Cleaners to relocate to 1220 High Street, \$20,000 - Temporarily funded by UDAG Repayment Funds and permanently funded from Capital-Center/Riverpoint Urban Renewal Area Tax Increment Financing. **Moved by Hensley to defer one week to determine status of this property relative to Ingersoll Avenue Relocation.**

Motion Carried 5-2.

97-888 96. Final Landscape Design plans for Disposition Parcel Nos. 7A and 7C/Riverpoint Capital-Center Development Area Urban Renewal Project (Meredith Office Project). (Council Communication No. 97-133). **Moved by Hensley to approve. Motion Carried 5-2.**

97-889 97. Notification from Airport Board Chair, regarding proposed regulation change for non-tenant car rental operators and establishing fees and requirements for non-tenant car rental operators using the Airport. **Moved by Daniels to adopt. Motion Carried 5-2.**

97-890 98. Public Housing Management Assessment Program (PHMAP) report. (Council Communication No. 97-122). **Moved by Hensley to adopt. City Manager and City Clerk to coordinate a joint meeting with the Council and Public Housing Board. Motion Carried 5-2.**

97-891 99. Park and Recreation Department Semi-Annual Charitable Gifts Report. (Council Communication No. 97-120). **Moved by Vlassis to receive and file. Motion Carried 5-2.**

COMMUNICATIONS/REPORTS

97-892 100. From Benjamin Teachout, 3833 8th St. and Jerry Stanley, requesting to speak regarding the re-installation of Basketball hoops at Union Park. **Moved by McPherson to receive and file. Motion Carried 5-2.**

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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.

WITHDRAWN97-893 1. Oral request from Council Member Mike McPherson, to discuss current status of Plan 60 funds. SPONSOR: McPherson.

97-894 2. Request from Council Member George Flagg, to discuss C.D.B.G. Funds - Electrical Assistance Grant. SPONSOR: Flagg. **Moved by Hensley to defer to 3-24-97. Motion Carried 5-2.**

97-895 3. Oral request from Council Member Christine Hensley, to discuss future of the Strategic Plan. SPONSOR: Hensley. **Moved by Hensley to discuss and refer to City Manager to prepare an implementation plan/process outline to coordinate with the budget process. Motion Carried 5-2.**

A G E N D A

BOARD OF HEALTH

March 17, 1997

97-896 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

AUTHORIZING

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

97-897 (A) 1006 Arthur Avenue., vacant, TITLEHOLDER(S)/ LANDLORD(S): Joan Shrader, Rickey E. Shrader and Deborah D. Shrader. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-898 (B) 1713 Lyon Street., vacant, TITLEHOLDER(S)/ LANDLORD(S): New Haven Corporation, Attn: Carol Johnson, Registered Agent; LEGAL INTEREST HOLDER(S): Doug Breen d/b/a GTL Investments, L.P., Donald Williams d/b/a GTL Investments, L.P., Bob Silcox d/b/a GTL Investments, L.P., and Larry Veasman. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-899 (C) 2702 E. Washington Avenue, vacant, TITLEHOLDER(S)/ LANDLORD(S): Larry D. Robinson and Charolett C. Robinson; LEGAL INTEREST HOLDER: East Des Moines National Bank, Attn: Mark Clingman, Real Estate Officer. **Moved by McPherson to adopt., Motion Carried 5-2.**

97-900 (D) 3136 E. Washington Avenue, vacant, TITLEHOLDER(S)/ LANDLORD(S): Alan Rockhold and Judy Wilson. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-901 (E) 3120 6th Avenue, vacant, TITLEHOLDER(S)/ LANDLORD(S): Rick Kading and Mary Kading; CONTRACT BUYER(S): Chancy Frazier and Pam Frazier. **Moved by Vlassis to delete. Property is currently being remodeled. Motion Carried 5-2.**

97-902 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:28 P.M.**