

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 18, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Mental Retardation and Developmental Disabilities Month

INVOCATION: Pastor Del Dawes

First United Methodist Church

96-904 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-905 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-906 3. APPROVING CONSENT AGENDA - items 3 through 88: **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-907 4. Communication from Legal Department regarding March 18, 1996 License and Permit Agenda. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Beer Licenses

96-908 5. Southern Golf Inc., Ned F. Chiodo, President dba Blank Golf Course, 808 County Line Road; Renewal - Expires 3-20-96 (With Sunday Sales and Beer Garden) - Application submitted 2-21-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued)

96-909 6. City of Des Moines dba Grandview Golf Course, 2401 East 29th Street; Renewal - Expires 3-31-96 (With Sunday Sales and Beer Garden) - Application submitted 2-1-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-910 7. S & L Food Service, Inc., Ronald Smith, President dba Mustard's, 1904 Forest; Renewal - Expires 3-25-96 - Application submitted 2-14-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest and abstains from voting.**

Class "C" Beer Licenses

96-911 8. Coastal Mart, Inc., Jack C. Pester, CEO, dba C Mart #1060, 5901 Fleur Drive; Renewal - Expires 4-29-96 (With Sunday Sales) - Application submitted 2-22-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-912 9. Krause Gentle Corporation, W.A. Krause, President dba Kum & Go #207, 4200 Hubbell; Renewal - Expires 4-6-96 (With Sunday Sales) - Application submitted 2-9-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-913 10. Andy Cleghorn dba The Tacklebox, 1021 Southeast 14th Street; Renewal - Expires 3-23-96 (With Sunday Sales) - Application submitted 2-19-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

96-914 11. Coastal Mart, Inc., Jack C. Pester, CEO, dba C Mart #1087, 1516 Southeast 1st; Renewal - Expires 4-29-96 (With Sunday Sales) - Application submitted 2-21-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-915 12. Foods Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 3425 Ingersoll; Renewal - Expires 2-26-96 (With Sunday Sales) - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-916 13. Hy Vee Inc., Ronald D. Pearson, President dba Hy-Vee Food and Drugstore #3, 3221 Southeast 14th Street; Renewal - Expires 2-26-96 (With Sunday Sales) - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued)

Class "C" Beer-Wine Licenses

96-917 14. Paesano's Pizzeria, Inc., Bruce Kennedy, President dba Paesano's, 2804 Southwest 9th Street; Renewal - Expires 3-22-96 - Application submitted 3-21-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

96-918 15. Apple South, Inc., Michael Evans, President dba Applebee's Neighborhood Grill & Bar, 6301 Southeast 14th Street; Renewal - Expires 3-19-96 (With Sunday Sales) - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-919 16. Marcella Nelson dba Bob Nelson's Lounge, 1605 6th Avenue; Renewal - Expires 3-31-96 (With Sunday Sales) - Application submitted 2-21-96. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and Hensley.**

96-920 17. Drake University, Patrick D. Cavanaugh, V-President dba Rathskeller, Upper Level of Olmsted, Knapp Center Arena, Main Stay, & Old Main Lounge, 2507 University; Renewal - Expires 3-25-96 (With Sunday Sales and Beer Garden) - Application submitted 2-8-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-921 18. Quail Enterprises, Inc., Henry Schneider, IV, President dba Iowa Beef Steak House, 1201 East Euclid; Renewal - Expires 3-21-96 (With Sunday Sales) - Application submitted 2-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-922 19. Terrace Cafe, Inc, David A. Naimi, President dba Terrace Cafe, 600 East Locust; Renewal - Expired 3-10-96 (With Sunday Sales) - Application submitted 2-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-923 20. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-924 21. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

22. Approving Amendment No. 2 to Step 3 Engineering Services Agreement with RUST/Metcalf & Eddy-A Joint Venture to perform additional out-of-scope construction engineering services for the following; total of \$70,000 increase for the following four (4) projects

96-925 (a) Birdland Park Stormwater Pumping Station. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-926 (b) 2nd & Franklin Stormwater Pumping Station. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-927 (c) Van Buren Stormwater Pumping Station. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-928 (d) Des Moines Street Stormwater Pumping Station. (Council Communication No. 96-119) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

****Council considered Item 101 next - then Hearing items 91 - 94****

96-929 23. Approving Change Order No. 3 with Hopkins Trucking and Excavating for additional work in conjunction with 63rd Street and University Avenue Widening Demolition Contract, in an amount not to exceed \$29,060. (Council Communication No. 96-113) **Moved by Vlassis to adopt. Motion Carried 7-0.**

24. Approving Professional Services Agreements with Rust Environment & Infrastructure, Inc. for the following:

96-930 (a) Special Viaduct Review on the SW 8th & SW 9th Street Viaducts, not to exceed \$19,000. (Council Communication No. 96-105) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-931 (b) Acquisition Plats and Descriptions for Phase I, M. L. King Jr. Parkway Improvements, not to exceed \$38,000. (Council Communication No. 96-108) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-932 25. Supplemental Agreement No. 6 for design revisions in conjunction with Birdland Pool Amenities, Pollock Holzrichter Nicholas, Ltd., in the amount of \$37,500 plus reimbursable expenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-933 26. Designating lowest responsible bidder for Greater Des Moines Soccer Park-Contract No. 2, Koester Construction Company, (Paul Koester, Pres. 107 SW 2nd Street DM), \$911,747.30. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-934 27. Approving contract and bond for ICA W3 and Process Modifications, with Accurate Mechanical Company, (John Miller, President) in the amount of \$269,900. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-935 28. Resolution accepting work and ordering preparation of plat and schedule of assessments, for the 1993 Paving Program No. 1, Contracts 1 and 2; \$81,798.29 now due and \$34,059.32 at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-936 29. Resolution ordering construction of ICA Digester Mixers and Primary Scum Modifications, Receiving of Bids (04-09-96), and Setting Date of Hearing, (04-15-96)- Construction Estimate - \$886,012. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-937 30. Approving completion and recommending acceptance of Storm Sewer Improvements for the Subdivision called "The Summit at Southern Hills" at SW 38th Place and Park Avenue between R.G. Elder & Son Company, Contractors, and Park Place South, Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-938 31. Report of the Chief Civil Engineer showing construction progress, amount due and funding availability for E. 29th Street Paving, Corell Contractor, Inc., \$11,910.58 to be paid at this time and \$45,274.25 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

96-939 (a) SW 5th Street Storm Pump Station at Raccoon River Levee, Van Hauen & Associates, Inc., \$3,325.00 now due and \$59,836.49 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-940 (b) Riverpoint Storm Sewer, Corell Contractor, Inc., \$20,240.84 now due and \$44,232.04 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-941 33. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-942 34. Approving partial payments on two public improvement projects, (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-943 35. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of February 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-944 36. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule as certified to Des Moines Water Works for February, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-945 37. Authorizing Assessment Clerk to correct Delinquent Sewer Rental and Solid Waste charges, which were charged to 617-619 E. Hackley and should have been charged to 613-615 E. Hackley (see roll call for Schedule Numbers and amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-946 38. Condemnation Commissioner's award of \$490,000, plus \$7,500 attorney fees plus Sheriff's fees and jury expenses, in conjunction with Iowa 28(63rd Street)/University Avenue Intersection Improvement, to Beryl J. and Grayce E. Black, (Black's Furniture Sales Company) - all fees and costs will be reimbursed to the City by the State. **Moved by Vlassis to adopt. Motion Carried 7-0.**

39. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass:

96-947 (a) From Darrel A. Momberg, Betty E. Momberg, Lyle J. Tompkins and Edith Mary Tompkins, 2020 Ingersoll Avenue - \$215,405.20. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-948 (b) From 950 Properties Ltd, 659 Martin Luther King, Jr. Parkway - \$345,685.80 **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS (continued)

40. Various items, in conjunction with 1995 Paving Program No. 1-SW 8th Street from Porter Avenue to Kenyon Avenue:

96-949 (a) From James R. and Ferne A. Hartman, 5403 SW 8th Street - \$100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-950 (b) From Robert J. and Mary K. Devine, 5502 SW 7th Street - \$400. **Moved by Vlassis to adopt. Motion Carried 7-0.**

41. Backslope and Property Adjustment Easement and Release, in connection with 1995 Paving Program No. 1-E. 28th Street from Cleveland Avenue to Easton Boulevard:

96-951 (a) From Gene C. Clipperton, 2801 Easton Boulevard - \$1.00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-952 (b) From Meda A. Lamb, 2758 Indianapolis Avenue - \$1.00, and Polk County, 2770 Cleveland - \$1.00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-953 42. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, Offer to Purchase, Consent and Subordination of Lease as to Easement for Sanitary Sewer Right-of-Way and Temporary Easement for Construction by Lessee, in connection with Southwest Airport Trunk Sanitary Sewer, from Reveiz Farms, Inc. - \$10,615. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-954 43. Backslope and Property Adjustment Easement and Release, Warranty Deed, Partial Release of Mortgage and of Assignment of Rents and Leases, Consent of Mortgagee and

Subordination of Mortgage, Uniform Commercial Code Filings (Partial Release), and Offer to Purchase, in connection with Martin Luther King, Jr. Parkway Widening at Urbandale Avenue, from Budget Storage Associates I., L.P. - \$2,621.40 **Moved by Vlassis to adopt. Motion Carried 7-0.**

44. Various Property transactions, in connection with Iowa 28 (63rd Street)/University Avenue Intersection Improvement:

96-955 (a) From Martel E. and Beverly F. Poore, 1101 63rd Street - \$159. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-956 (b) From Samuel D. and Rita Gooden, 1104 63rd Street - \$80, and Richard and Patricia Meiners, 1064 63rd Street, \$550. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-957 (c) From Windsor United Methodist Church, 6222 University Avenue - \$28,398.20. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS (continued)

96-958 44. (d) Joe Bedford and Darcy L. Hill-Bedford, 1137 63rd Street - \$2,290.60. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-959 (e) From Eugene M. and Marian Joyce Schiltz, 1147 63rd Street - \$3,431.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-960 (f) From Scott Charles Ross, 1327 63rd Street - \$2,086.60 **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-961 (g) From Charles D. Overton, 1067 63rd Street - \$152. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-962 (h) From Terry G. and Diane E. Schaffer, 1130 63rd Street - \$1,122. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-963 (i) From Dennis Lee and Vivian Marguerite Block, 6412 University Avenue - \$2,052.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-964 (j) From Timothy E. Anderson, 6414 University Avenue - \$229. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-965 (k) From Daniel L. and Marie C. Malloy, 1125 63rd Street - \$1403.60. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-966 (l) From Lorraine M. Rollins, 1067 63rd Street - \$3,075.12. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-967 (m) From Chris E. and Cheryl A. Angier, 1200 64th Street - \$50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-968 (n) From Lanny Eugene Fields, 1329 63rd Street - \$862.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

45. Notification from Iowa Department of Transportation, of intent to sell tracts of land:

96-969 (a) Vicinity of SW 60th, South of SW Leland. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-970 (b) Vicinity of SW 60th, North of SW Leland. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-971 46. Approving release of remaining Subdivision Bond, \$67,512, to The Companies of Clarke, for PARK FOREST PLAT NO. 1, and waiving requirement for additional street trees, (this corrects action taken under roll call No. 96-845). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

LAND/PROPERTY TRANSACTIONS (continued)

96-972 47. Ratifying action taken in previous public hearing February 19, 1996, regarding rezoning of 3025 Douglas Avenue from "C-1" (Neighborhood Retail Commercial) to a Ltd. C-2 (General Retail and Highway Oriented Commercial), (to correct error in legal description). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-973 (a) First consideration of ordinance above, (repeals ordinance No. 13,310). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-974 (b) Final consideration of ordinance above, (waiver requested by applicant). **Moved by Vlassis 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, #13,313. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-975 48. Subdivision plat AIRPORT INDUSTRIAL PARK PLAT 1, vicinity of 4000 block of SW 63rd Street, developed by William C. Knapp Revocable Trust. **Moved by Vlassis to adopt. Motion Carried 7-0.**

49. Approving reduction in Bond Amount for the following Subdivisions, vicinity of SE 22nd and Park, (Companies of Clarke):

96-976 (a) Riverwoods, Conceptual Master Plan; the remaining amount of \$47,488 be reduced to \$5,618. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-977 (b) Woods on the River Plat II in the amount of \$38,902 be reduced to \$9,725.50. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

50. Approving Farm Lease Agreements with the following:

96-978 (a) John Jensen, for 80 acres-vicinity of NE 46th north of Broadway. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-979 (b) Sandridge Farms Company, for 133.5 acres-vicinity of Case Lake, north of Hartford Ave. and South of the Des Moines River. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

51. Nomination recommendation of Council Member At-Large, George E. Flagg, for the following:

96-980 (a) Kathryn Watts, for reappointment to the Greater Des Moines Sister City Commission, for five-year term to expire April 28, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-981 (b) Lawrence James, for reappointment to the Housing Appeals Board, for three-year term to expire March 16, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-982 (c) Scott Parks, for reappointment to the Urban Renewal Board, for three-year term to expire January 18, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-983 52. Recommendation of Preston Daniels, for appointment of Melvin Shivvers, to the Building Code Board of Appeals, corrected term to expire April 6, 1998, (correcting scrivener error in Roll Call No. 96-444). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-984 53. From Frank Bumpilori, submitting his resignation from the Des Moines Traffic Safety Committee, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

BLOCK PARTIES

96-985 54. Authorizing closure of the following:

(1) Grand View College, 1200 Grandview Avenue, requesting permission to close Grandview Avenue, from E. 13th Street to E. 14th Street, Saturday, April 13, 1996, from 7:00 A.M. to 10:00 A.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(2) River Hills Business Park, East 2nd Street, requesting permission to close East 2nd Street (to be blocked 8 A.M. to 2:30 P.M.) from 730 E. 2nd (north end of E. 2nd) to 300 Maple, Friday, June 21, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-986 55. Approving deviation from Council Policy on request from Terry Thompson, Capitol City Street Rods, to close Court Avenue, from the alley east of 5th Avenue to E. 1st Street and on 2nd Avenue and 3rd Street from the garage entrance/exit south to railroad tracks, from 7:00 A.M. to 5:00 P.M. on Saturday, June 1, 1996, (Car Show) extending the length of proposed closure. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-987 56. On application from John Clarke of Clarke Companies,. to rezone property at 2801 Fleur Drive from Ltd "C-0" (Commercial-Residential) to an amended Limited "C-0", and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-1-96). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-988 57. On application from John Clarke of Clarke Company, to rezone property in the 2800 block of Druid Hill Drive, from "R-1" (One Family Residential) and Ltd. "C-0" (Commercial-Residential) and "PUD", to a "PUD", and amendment to PUD Conceptual Plan entitled Druid Hill Townhomes, to provide six 4-unit townhouses, (4-1-96). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-989 58. On application from Aviation Department, to rezone property at 2305 McKinley from "R1-80" (One Family Residential) and "C-2" (General Retail and Highway Oriented Commercial) and Ltd."M-3" (Limited Industrial District), to Ltd. "M-3", and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-1-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-990 59. On authorization and approval of contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, \$1,000,000, for remodeling, reconstruction, improvement and expansion of the Archie Brooks Community Center and Recreational Complex, 2100 SE 5th, (3-25-96). **Moved by Vlassis to adopt; Staff to provide Council and Alice Rodine with Section 108 Loan statistics. Motion Carried 5-2. Nays: Davis and Phillips.**

96-991 60. On vacation and conveyance of north/south alley in vicinity of Seventh and Center Streets, to the Des Moines Metropolitan Transit Authority, (3-25-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

61. NUMBER NOT USED.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-992 62. Approving payment of \$325 to Ahlers, Cooney, Dorweiler, Smith and Allbee, for services in conjunction with property acquisition in Riverpoint Capitol-Center Development Area, Parcels 7A, 7B, and 7C. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)

96-993 63. Approving payment in the amount of \$16,000 to Deborah and Cornelius Van Egmond and Attorney Gayla Harrison, and Farm Bureau in settlement of lawsuit No. CL 000 63690 against the City of Des Moines and Officer Patrick John Moody. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-994 64. Approving payment in amount of \$4,651.95 to Becky S. Knutson for representation of Kayne Robinson in the case of Veasley, Brown, Knox and Tarver v. City et al. **Moved by Vlassis to approve payment. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-995 65. Approving payment in amount of \$14,166.50 to Wiggins, Anderson & Conger, P.C. for representation of John Rector in the case of Veasley v. Rector. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-996 66. Approving payment in amount of \$44,568.42 to Hopkins & Huebner, P.C. for representation of William Moulder in the case of Veasley, Brown, Knox and Tarver v. City et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-997 67. Approving payment in the amount of \$276.20 to Austin, Salmons & Swanson for representation of John Leporte in the case of Robert Rissman, Jr., et al. v. City of Des Moines, et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-998 68. Approving payment in the amount of \$1,452.36 to Hopkins & Huebner for representation of Officer Michael Craig in the case of Jane Taylor, et al. v. Michael Craig, et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-999 69. Approving payment in the amount of \$351.50 to Becky S. Knutson of Davis, Brown, Koehn, Shors and Roberts, P.C. for representation of Kayne Robinson in case of VanBaale v. City, et.al. **Moved by Vlassis to approve payment. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1000 70. Approving payment of \$332.82 for seventy weeks for a total of \$23,297.40 to James Walden and Robert Pratt, his attorney for worker's compensation claim, subject to approval by the Iowa Industrial Commissioner for an injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-1001 71. Submitting Request for Proposals (RFP) to provide security systems and custodial maintenance for aquatic facilities for public bid. (Council Communication No. 96-110) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1002 72. Submitting agreement with Governor's Traffic Safety Bureau (GTSB), for Police Department to participate in Youth Alcohol Project, March 18, thru September 30, 1996. (Council Communication No. 96-106) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1003 73. Submitting the following out-of-state travel requests for: William H. Moulder, Donna Boetel-Baker, Michael Peterson, and Daniel Good. (Council Communication No. 96-107) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1004 74. Regarding City of Des Moines Legislative Update for Seventy-Sixth Iowa General Assembly. **Moved by Vlassis to receive and file the attached report. Motion Carried 7-0.**

APPROVING

96-1005 75. Recommendation from the Legal Department to establish an administrative procedure to address and resolve requests for "reasonable accommodation" under 1988 Amendments to Federal Fair Housing Act for referral to City Plan and Human Rights Commissions. **Moved by Phillips to receive and file, and to refer to the City Plan and Zoning Commission, and Des Moines Human Rights Commission for report and recommendation back to the City Council in approximately 45 days; also, staff to seek input and recommendation from all appropriate agencies and individuals, including those who spoke on this item. Motion Carried 5-2. Pass: Flagg and McPherson.**

96-1006 75A. Communications submitted regarding agenda Item 75. (Attachments) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-1007 76. Amendment One to the Infill Development Project (CDBG), to extend project period to December 31, 1996, revise work program, and make remaining \$29,680 available for reprogramming. (Council Communication No.96-114) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

77. The following Audit reports for Emergency Shelter Grant Projects, (ESG) for submission to HUD:

96-1008 (a) Interim/Annual Report. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1009 (b) Annual/Final Report. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1010 78. Des Moines Comprehensive Annual Financial Report and Independent Auditor's Reports for the 15-month period ending June 30, 1995. **Moved by Hensley to adopt; Council requests a copy of management letter from Auditor. Motion Carried 6-1. Pass: Flagg.**

96-1011 79. Des Moines Municipal Housing Agency General Purpose Financial Statements, Financial Statements and Independent Auditor's Reports, for the 15-month period ended June 30, 1995. **Moved by Hensley to adopt; Council requests a copy of management letter from Auditor. Motion Carried 6-1. Pass: Flagg.**

96-1012 80. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1013 81. Authorizing Finance Director to draw warrants on registers of March 22, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning March 18, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-1014 82. Amending Chapter 23 of the Municipal Code regarding responsibility of abutting property owners for maintenance of sidewalks and border areas. **Moved by Vlassis that this ordinance do now pass, #13,314. Motion Carried 7-0.**

96-1015 83. Amending Chapter 15 of the Municipal Code, to eliminate Residency Requirement for purchase of Sr. and Jr. Golf Badges for City Golf Courses. **Moved by Vlassis that this ordinance do now pass, #13,315. Motion Carried 6-1. Nays: Flagg.**

ORDINANCES - FINAL CONSIDERATION (continued)

96-1016 84. On Connection Fee Ordinance for Northwest Airport Trunk Sewer System Benefited District. **Moved by Vlassis that this ordinance do now pass, #13,316. Motion Carried 6-1. Nays: Flagg.**

96-1017 (a) Designating lowest responsible bidder for the Northwest Airport Trunk Sanitary Sewer, as McAninch Corporation, (Emery L. Sanford, Vice Pres., WDM), \$465,654.50, and approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

ORDINANCES - SECOND CONSIDERATION

96-1018 85. Amending Chapter 7 of the Municipal Code regarding application to License Vicious Dogs. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1019 86. Amending Chapter 7 of the Municipal Code regarding Animal Adoptions at the Alice Cunningham Animal Shelter. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1020 87. On amendment to the Zoning Ordinance, to clarify wording from "Building Department" to "Building Official". **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1021 88. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearances on East side of 39th south for Forest, and on both side of Franklin East of 61st Street; Parking restriction repealed on Morgan Street West of SW 9th; and Reverse stop signs on SW 2nd and Leland and on SW 5th and Leland. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-1022 89. Amending Chapter 15 of the Municipal Code regarding Birdland Park Marina Moorage rates. (Council Communication No. 96-120) **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

ORDINANCES - FIRST CONSIDERATION (continued)

96-1023 90. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Repeal of Parking restriction on east side of SW 61st Street from Welker to Edwards; allow parking on the Cul-de-Sac on 39th Street south of Adams after 5:00 P.M.; request of handicapped spaces at 111-10th Street, 1148 Polk Blvd, and on the south side of University west of Polk Blvd. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

****Council considered Item 95 through end of agenda next****

HEARINGS (Opened at 5:45 P.M.) (Items 91 thru 94)

96-1024 91. On Asphalt Stabilization Schedule No. 1996-37. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-1025 (a) Resolution of Necessity. **Moved by Flagg to adopt as amended; delete Littell, Fleur to West City Limits and Stanton, SW 31st to SW 26th. Motion Carried 7-0.**

APPROVED (b) SW 13th from Kenyon to Frazier.

APPROVED (c) Bell Avenue from Druid Hill Drive to 900.2' East.

APPROVED (d) Burnham Avenue from SW 14th to SW 17th.

APPROVED (e) County Line Rd. from Fleur to West City Limit.

APPROVED (f) Glover from Loomis to Creston.

DELETED (g) Littell from Fleur to West City Limit.

96-1026 (1) Petition in objection. **Moved by Flagg to receive and file. Motion Carried 7-0.**

DELETED (h) Stanton Avenue from SW 26th to SW 31st.

96-1027 (1) Communications in objection. **Moved by Flagg to receive and file. Motion Carried 7-0.**

APPROVED (i) Birch Lane from SW 12th to SW 14th.

APPROVED (j) SW 59th Street from Muskogee to Tonka.

HEARINGS (continued)

96-1028 92. On Asphalt Stabilization Schedule No. 1996-38. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-1029 (a) Resolution of Necessity. **Moved by Flagg to adopt as amended; delete York Street from E. Shawnee South 150', SW 1st Street from Columbus to Dunham, SW 1st Street from Jackson to Clay, and Shawnee from 14th to 15th. Motion Carried 7-0.**

DELETED (b) York Street from E. Shawnee South 150'.

96-1030 (1) Communication in objection. **Moved by Flagg to receive and file. Motion Carried 7-0.**

DELETED (c) SW 1st from Columbus to Dunham.

96-1031 (1) Communication and petition in objection. **Moved by Flagg to receive and file. Motion Carried 7-0.**

APPROVED (d) SW 1st Street from Dunham to Jackson.

DELETED (e) SW 1st from Jackson to Clay Street.

APPROVED (f) Granger Avenue from South Union to SW 1st Street.

APPROVED (g) Livingston Avenue from South Union to SW 1st

APPROVED (h) 16th Street from Euclid to Madison.

APPROVED (i) Franklin Avenue from ML King Jr. Parkway to 21st.

DELETED (j) Shawnee Avenue from 14th to 15th.

96-1032 93. On proposed lease of excess City-owned property in vicinity of Sixth Avenue and Holcomb, to Consolidated Supply Company of Des Moines, Inc., 5-year term, \$900. (Council Communication No. 96-117) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1033 94. On reconsideration of Administrative Officer's decision regarding vehicle impound of Dan Jones. **Moved by Phillips to receive, file, reconsider and, uphold the decision of the Hearing Officer and find that there was probable cause to impound vehicle. Motion Carried 6-1. Nays: Davis.**

* * END HEARINGS at 6:05 P.M. * *

****Council considered Items 26 through 90 next****

CITY MANAGER RECOMMENDATIONS

96-1034 95. Regarding amending the contract and amendment procedures for CDBG-funded projects operated by City Departments. (Council Communication No. 96-112) **Moved by Phillips to receive, file and approve. Motion Carried 6-1. Absent: Vlassis.**

96-1035 96. Submitting recommendation that Residency Requirement for Utility Workers for 1996 season only, be temporarily waived with preference given to Des Moines residents. (Council Communication No. 96-111) **Moved by Vlassis to adopt. Motion Failed 1-6. Nays: Davis, Phillips, Daniels, Flagg, Hensley and McPherson.**

APPROVING

96-1036 97. Resolution for partial release of collateral held on Des Moines Action Loan Fund Loan to Robert J. and Amy L. Tursi and Five T., Inc. dba Latin King Restaurant, 2200 Hubbell Avenue. (Council Communication No. 96-115) **Moved by McPherson to approve. Motion Carried 7-0.**

98. NUMBER NOT USED.

99. The following items regarding Redevelopment Proposal for Disposition Parcel No. 17C, South of Forest Avenue and East of Ohio Street-1333 Ohio Street, Central Place Industrial Park Urban Renewal Area by Storey-Kenworthy Company:

96-1037 (a) Agreement to purchase land for private redevelopment, Storey-Kenworthy Company. **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1038 (b) Evidence of Financing and Final Design Plans. **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1039 (c) Approve Execute and Deliver Special Warranty Deed. (Council Communication No. 96-118) **Moved by Vlassis to approve. Motion Carried 7-0.**

APPROVING (continued)

100. Various new and revised Job Specification related to the Budget Reorganization:

96-1040 (a) Sewer Maintenance Worker, CIPEC, (Revised), Range 18. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1041 (b) Street Maintenance Worker CIPEC, (Revised), Range 18. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1042 (c) Truck Driver CIPEC (Revised), Range 18. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1043 (d) Accountant MEA (Revised), Range 22. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1044 (e) Communications Specialist MEA (New), Range 24. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1045 (f) Housing Financial Analyst MEA (New), Range 26. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1046 (g) Identification Technician MEA (Revised), Range 22. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1047 (h) Jail Security Officer MEA (Revised), Range 21. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1048 (i) Park Planner MEA (New), Range 24. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1049 (j) Community Development Director SPM (Revised-formerly Planning Director), Exec. Salary Range III. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1050 (k) Community Services Administrator SPM (New), Range 29. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1051 (l) Convention Center Operations Manager SPM (Revised), Range 29. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-1052 (m) Permit and Development Administrator SPM (Correcting steps in Ranges from 5 to 6-Scrivener's error) **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1053 (n) Environmental Health Officer SPM (Revised), Range 29. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

APPROVING (continued)

96-1054 100. (o) Horticulture Manager SPM (Revised-formerly Botanical Center Admin), Range 29A. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1055 (p) Horticulture Inspector SPM (New), Range 22. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1056 (q) Housing Conservation Administrator SPM (New), Range 29. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1057 (r) Neighborhood Development Administrator SPM (New), Range 31. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1058 (s) Neighborhood Health and Zoning Administrator SPM (New), Range 29. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1059 (t) Park and Recreation Business Manager SPM (Revised-formerly Assistant to Park and Rec Director), Range 30A. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-1060 (u) Park and Recreation Services Manager SPM (Revised-formerly Recreation Superintendent), Range 32. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-1061 (v) Planning Administrator SPM (Revised-formerly Assistant Planning Director), Range 34A. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1062 (w) Relocation Agent SPM (New), Range 30A. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1063 (x) Senior Park Planner SPM (New), Range 27. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-1064 (y) Stormwater Utility Administrator SPM (New), Range 33A. (Council Communication No. 96-109) **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

COUNCIL REQUESTS

96-1065 101. Oral request of Mayor Davis to discuss Greater Des Moines Convention and Visitors Bureau (CVB). **Moved by Flagg to discuss, and authorize Mayor Davis to contact West Des Moines to continue discussion regarding the Bureau's future; submit a status report by 3-25-96 for a possible resolution/solution/decision by April 1, 1996. Motion Carried 7-0.**

****Council considered Items 91 through 94 next****

96-1066 102. Oral request of Council Member Vlassis, to discuss vending on City Streets/Property. **Moved by Vlassis to receive, file, discuss and defer action to April 1, 1996; City Manager to review in the interim for a recommendation and further consideration on April 1, 1996. Motion Carried 5-2. Nays: Flagg and McPherson.**

COMMUNICATIONS/REPORTS

96-1067 103. Request from Larry Smithson, to speak regarding proposed changes to City ordinances, to allow gaming, music and dancing from 2:00 to 5:00 A.M. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and Legal for review and possible recommendation in one week. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

96-1068 104. From Lawrence Allen White, 1000-24th Street #13, to speak regarding civil rights. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: McPherson.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

96-1069 1. Oral request of Council Member Christine Hensley to discuss Martin Luther King, Jr. Bypass Project, formation of a committee, and overall advancement of the project. **Moved by Hensley to discuss, and, refer to City Manager to implement the recommendations in the communication and assigning a higher priority to this project; delete hospital representative from Committee composition. Motion Carried 7-0.**

EXTRA ITEMS (continued)

96-1070 2. Oral request of Mayor Davis to approve out-of-state travel for Mayor and City Manager, to attend Chamber's Annual Washington D.C. Trip June 11-13, 1996. SPONSOR: Davis. **Moved by Vlassis to approve out-of-state travel for Mayor Davis and City Manager Anderson; June 11-13, 1996 to Washington, D.C. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH March 18, 1996

96-1071 MOTION TO CONVENEMoved by Vlassis that the City Council adjourn and Convene as a Board of Health. **Motion Carried 7-0.**

HEARINGS

96-1072 1. On resolution to demolish and remove dangerous structure(s) or to determine appropriate equitable action to be taken: 3215 Amherst (vacant) TITLEHOLDER: SRS, Inc.; CONTRACT BUYER/LANDLORD: Dawn R. Crittellie. **Moved by McPherson to adopt. Motion Carried 7-0.**

COMMUNICATION

96-1073 2. Communication regarding 1002 S.E. 27th Ct. **Moved by McPherson to receive and file. Motion Carried 7-0.**

AUTHORIZING

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

96-1074 (a) 1540 DeWolf (vacant) TITLEHOLDERS/LANDLORDS: Carole Poage and Marvin Poage. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1075 (b) 8 E. Diehl (vacant) TITLEHOLDERS/LANDLORDS: Randall J. Thompson and Ann Thompson; LEGAL INTEREST HOLDERS: Marion Harker, John C. and Charlene J. Fritzel. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1076 (c) 1420 - 9th (vacant) TITLEHOLDER: Polk County, Iowa; CONTRACT BUYER/LANDLORD: Miguel Mauricio Gomez Orozco. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1077 (d) 1436 - 12th (vacant) TITLEHOLDER/LANDLORD: Polk County, Iowa. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1078 (e) 2219 E. 12th (vacant) TITLEHOLDER/LANDLORD: William W. Johnston; LEGAL INTEREST HOLDERS: Walter K. and Leah G. White Trust, Attn: Walter K. and Leah G. White, Trustees. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1079 (f) 1941 23rd (vacant) TITLEHOLDERS/LANDLORDS: Rick Cassidy and Pam Cassidy. **Moved by McPherson to adopt. Motion Carried 7-0.**

AUTHORIZING (continued)

96-1080 4. Release of demolition costs reserve held under claim #14K17043 regarding property known as 101 E. Broad (Garage) owned by Linda Anderson. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1081 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:35 P.M. Motion Carried 7-0.**