

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 25, 1996 4:30 P.M.

INVOCATION: Dr. Tim Diebel

First Christian Church

96-1082 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-1083 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1084 3. APPROVING CONSENT AGENDA - items 3 through 62. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-1085 4. Communication from Legal Department regarding March 25, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

96-1086 5. Nut Pob Restaurant, Inc., Sommani Vongxay, President dba Nut Pob Restaurant, 3318 Indianola Road; Renewal - Expires 3-28-96 (With Sunday Sales) - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1087 6. Daddy Bob's Inc., Robert S. Puckett, Jr., President dba Porky's Tenderloin, 4444 Douglas; Renewal - Expires 3-29-96 (With Sunday Sales and Beer Garden) - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS, (continued):

96-1088 7. Shie Concession Co., Shie W. Foudree, President dba Shie Concession, Iowa State Fairgrounds - Grandstand, 3000 East Grand Avenue; Renewal - Expires 4-7-96 (With Sunday

Sales and Beer Garden) - Application submitted 2-28-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

96-1089 8. William A. Tegeler, Inc., Robert Tegeler, President dba Army Post Amoco, 849 Army Post Road; Renewal - Expires 4-19-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

96-1090 9. Contemporary Industries Corp., Bruce Dawson, President dba 7-Eleven Store #304, 3148 Southeast 14th Street; Renewal - Expires 4-8-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1091 10. Contemporary Industries Corp., Bruce Dawson, President dba 7-Eleven Store #307, 3104 University; Renewal - Expires 4-8-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1092 11. Contemporary Industries Corp., Bruce Dawson, President dba 7-Eleven Store #302, 4400 Hickman Road; Renewal - Expires 4-8-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1093 12. Contemporary Industries Corp., Bruce Dawson, President dba 7-Eleven Store #301, 2829 Easton Blvd; Renewal - Expires 4-8-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

96-1094 13. Chicago Speakeasy Ltd., Ronald G. Jaeger, President dba Chicago Speakeasy, 1520 Euclid; Renewal - Expires 4-5-96 - Application submitted 3-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1095 14. Joan A. Erickson dba Highland Park Country Club, 518 Euclid; Renewal - Expires 3-28-96 (With Sunday Sales) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1096 15. Scooters, Inc., Diane M. Barkley, President dba Maria's Pizza, 1240 East 14th Street; Renewal - Expires 3-26-96 (With Sunday Sales) - Application submitted 2-19-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS, (continued):

96-1097 16. Graceward Ltd., Mike Wellman, President dba Wellman's Pub, 2920 Ingersoll Avenue; Renewal - Expires 4-2-96 (With Sunday Sales and Beer Garden) - Application submitted 3-4-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "H" Liquor Licenses

96-1098 17. Fining Dining, L.C., William Knapp, Managing Owner dba Anna's Restaurant, 401 Locust Street; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 3-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-1099 18. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Refunds

96-1100 19. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

96-1101 20. Approving Maximum requirements for appraisers for Special Assessments and Professional Services Agreements for Special Assessment Appraisal Services for 1996 between the City of Des Moines and Rebecca K. Orr, Joseph J. Bell, and L. E. Calvert. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1102 21. Professional Services Agreement for Design of Rehabilitation

WITHDRAWN and Restoration of SW 5th Street Bridge over Raccoon River, Shuck-Britson Inc., compensation not to exceed \$20,732. (Council Communication No. 96-131).

96-1103 22. Communication from Koester Construction Company, Inc. honoring their bid price on Greater Des Moines Soccer Park, Contract No. 2 until April 5, 1996 and approving deferment of contract award until April 5, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1104 23. Resolution ordering construction of Blank Park Zoo Pinniped Pool Painting, Receiving of Bids (4-9-96), and Setting Date of Hearing, (4-15-96) - Construction Estimate - \$39,740. **Moved by Vlassis to adopt. Motion Carried 7-0.**

24. NUMBER NOT USED.

PUBLIC IMPROVEMENTS (continued)

25. Asphalt Stabilization Schedule No. 1995-34:

96-1105 (a) Accepting work and ordering preparation of Plat and Schedule of Assessments.
Moved by Vlassis to adopt. Motion Carried 7-0.

96-1106 (b) Adopting and Levying Final Schedule of Assessments and providing for payment.
Moved by Vlassis to adopt. Motion Carried 7-0.

26. E. 29th Street Paving, Schedule No. 1994-07:

96-1107 (a) Accepting work and ordering preparation of Plat and Schedule of Assessments.
Moved by Vlassis to adopt. Motion Carried 7-0.

96-1108 (b) Adopting and Levying Final Schedule of Assessments and providing for payment.
Moved by Vlassis to adopt. Motion Carried 7-0.

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

96-1109 (a) Greater Des Moines Soccer Park, Contract No. 1, R.G. Elder & Son Company, \$35,500.15 now due and \$47,672.18 the remaining balance to be paid at the end of 30 days.
Moved by Vlassis to adopt. Motion Carried 7-0.

96-1110 (b) Bell Avenue Storm Sewer - 2500 Block, \$3,538.23 now due and \$14,738.17 the remaining balance to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1111 28. Communication from Van Hauen & Associates, Inc. requesting permission to designate Central Asphalt Paving, Inc. to sublet certain items on the Bell Avenue Storm Sewer-2500 Block public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1112 29. Approving partial payments on three public improvement projects, (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

30. Approving Private Construction Contract and bond for Tori's Addition, East Glenwood Drive, The Underground Company, Ltd., Contractors and R.M. Madden Construction, Inc., Owners, for the following:

96-1113 (a) Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1114 (b) Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-1115 31. Resolution levying assessments for cost of Nuisance Abatement-NAC-Emergency Orders, Schedule No. 1996-41 and providing for payment thereof. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-1116 32. Permanent Easement for Storm Sewer and Surface Water Flowage, and Subordination Agreement, in conjunction with 1995 Paving Program No. 1-SW 8th Street from Porter Avenue to Kenyon Avenue, from Linn T. and Shirley D. Coellner, 5503 SW 8th Street - \$100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1117 33. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 5(Army Post Road) and South Union Intersection Improvement, from Virginia Flora Corset Shop, 229 Army Post Road - \$50, David D. Ekstrum, 227 Army Post Road - \$350, and Gary G. and Kimmie B. Miles, 6309 South Union - \$100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1118 34. Temporary Easement for Construction, and Permanent Easement for Sanitary Sewer Right-of-Way, in connection with Southwest Airport Trunk Sanitary Sewer, from Polk County Conservation Board-\$116. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-1119 35. From Bob Raker, Chair, Public Housing Board, requesting Council to declare Don Schacherer's seat vacant and to appoint someone to fill remaining term. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1120 (a) Nomination recommendation of At Large Council Member George E. Flagg of Ms. Eilene Liddell to fill vacancy for remaining term expiring June 30, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

96-1121 36. Regarding request from Stephen Swan for vacation and purchase of a portion of Ashby Park, east of the property at 4001 Ovid Avenue. **Moved by Vlassis to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

37. On issuance of General Obligation bonds for the following:

96-1122 (a) \$61,000,000, Essential Corporate Purpose-to pay costs of refunding certain outstanding bonds (4-1-96). (Council Communication No. 96-132). **Moved by Hensley to adopt. Motion Carried 7-0. City Manager to provide Council with additional background information regarding all scheduled Bond Issues, at time of hearing.**

96-1123 (b) \$9,295,000, Essential Corporate Purpose-provide funds to pay costs of 95-96 Capital Improvements Program, (4-1-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1124 (c) \$950,000, General Corporate Purpose-provide funds to pay costs of reconstruction, improvement and equipping various municipal buildings, (4-15-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1125 (d) \$980,000, General Corporate Purpose-provide funds for reconstruction, improvements and equipping of various municipal buildings, (4-15-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1126 (e) \$285,000, General Corporate Purpose-provide funds for reconstruction and improvements of swimming pools; acquisition and construct of a sports and athletic complex and recreational ground, (4-15-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1127 (f) \$1,000,000, General Corporate Purpose-provide funds for computer hardware and software for City operations, (4-15-96), (Council Communication No. 96-133). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1128 38. On proposed conveyance of property in the vicinity of 63rd and Carpenter, to the State of Iowa, for expansion of the 63rd Street (Highway 28) right-of-way, (corrects error in legal description--Roll Call 95-4566), (4-1-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1129 39. On vacation and conveyance of public right-of-way in vicinity of E. 29th and Easton Blvd., to Jan W. and Joanne K. Metheny, \$100, and to Esther M. Mills, \$25, (4-1-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS (continued)

96-1130 40. On conveyance of public right-of-way in vicinity of Euclid Avenue and Martin Luther King Jr. Parkway, to the State of Iowa, for widening of Euclid Avenue (Highway 6), (4-1-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-1131 41. Approving payment of \$6,646 to Ronald W. Rhoads for settlement of workers' 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

96-1132 42. Submitting out-of-state travel request for Harold E. Smith. (Council Communication No. 96-126) **Moved by Vlassis to receive and file attached report. Motion Carried 7-0.**

96-1133 43. Regarding City of Des Moines Legislative Update of Seventh-Sixth Iowa General Assembly, (report to be distributed Monday). **Moved by Vlassis to receive, file and refer to Legal Department for Preparation of proper legislation. Motion Carried 7-0.**

96-1134 44. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 96-122) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

96-1135 45. Amendment Two to Contract No. HEAP-96-07J with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization and energy related assistance to low-income persons extending contract from April 1, 1995 to June 30, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1136 46. Grant agreements and Funding Approvals with HUD for partial grant award of \$2,381,000 of 1996 CDBG funds, \$491,000 of 1996 HOME funds and \$60,000 of 1996 ESG funds for implementation of 1996 Consolidated Plan for period from January 1 to December 31, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-1137 47. Amendment Three to Emergency Shelter Grants Program Contract with Iowa Department of Economic Development increasing allocation of 1995 ESG funds by \$5,000 for Community Voice Mail Project. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1138 (a) Amendment One to 1995-96 Community Voice Mail Project, adding \$5,000 to Activity 3 for general operating expenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1139 48. Acceptance of grant funds in the amount of \$4,750 for Violence Education Gang Awareness (VEGA) program to be provided to middle school students by Des Moines Police Department. (Council Communication No. 96-127) **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Daniels. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-1140 49. City Manager's Monthly Financial Report for February 1996 (on file in Finance and Clerk's Office). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1141 50. Conveyance of redeveloper's interest in disposition parcel No. 32/Guthrie Avenue Business Park Urban Renewal Area and agreement to purchase from Moss Development, L.C. to Pace Company, Inc. (Council Communication No. 96-123). **Moved by McPherson to adopt. Motion Carried 7-0.**

****Council considered Hearing Items 63 thru 66 next****

51. Items regarding Disposition Parcel Nos. 7A and 7B, Riverfront Capitol-Center Development Area Urban Renewal Project--Meredith Office Expansion Project, (Council Communication No. 96-129):

96-1142 (a) Approve Final Construction Plans. **Moved by Hensley to approve. Motion Carried 7-0.**

96-1143 (b) Approve, Execute and Deliver Special Warranty Deed. **Moved by Hensley to approve. Motion Carried 7-0.**

96-1144 52. Receipt of notice from Airport Board regarding Proposed changes in rates and charges for use of airport, airport facilities and airport services; proposed effective date of July 1, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

53. Bids for the following:

96-1145 (a) Des Moines Asphalt & Paving Co., (903 S.E. 22nd Street, Robert Horner, President) for milling of asphalt paving at Birdland Park tennis courts to be used by the Park and Recreation Department, \$25,000. (Three bids mailed-one received). **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: Hensley. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1146 (b) Custom Feeds, Inc., (Muscatine, IA, Mike McGlothlen, President) for topdressing mix to be used by the Park and Recreation Department (Waveland and Grandview Golf Courses), \$11,150. (Three bids mailed-one received). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Hensley. Pass: Flagg.**

96-1147 (c) Wells Fargo Guard Service, (1120 Walnut Street) for security guard services to be used by the Park and Recreation Department (Blank Park Zoo), hourly rate of \$8.19 and holiday hourly rate of \$12.29. (Ten bids mailed-seven received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1148 (d) Cytec Industries, Inc., (West Paterson, NJ) for liquid polymer to be used by the Engineering Department (Wastewater Reclamation Facility), for \$.051 per pound. (Ten bids mailed-eight received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1149 (e) Bituminous Materials and Supply, L.P., (West Des Moines, Omer Ohl, Vice-President) for an annual contract for emulsified asphalt materials to be used by the Public Works Department (Street Maintenance). (Three bids mailed-one received). (See roll call for breakdown). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

96-1150 (f) Primary and secondary suppliers of asphalt cement concrete to be used by the Public Works Department, (Street Maintenance), (Primary - Des Moines Asphalt and Paving Co., 903 SE 22nd Street, (Robert Horner, President). (Secondary - Grimes Asphalt and Paving Corporation, Grimes, IA, J.M. Yonker, President). (Two bids mailed). (See roll call for various specifications and price breakdown). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

APPROVING (continued)

96-1151 53. (g) Pigott, Inc. (3815 Ingersoll Avenue, Richard Pigott, President) for Herman Miller open office furniture to be used by the Community Development Department, State of Iowa Contract 1204, \$39,537. (Non-competitive procurement). (Council Communication No. 96-121) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1152 (h) Data Power Technology Corporation, (West Des Moines, IA) for air conditioning unit to fit and be compatible with existing air conditioning units to be used by the Engineering Department (Wastewater Reclamation Facility), \$13,075. (Non-competitive procurement). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1153 (i) Radio communications equipment to replace outdated equipment to be used by the Fire Department - from Motorola Communications and Electronics, Inc., (Schaumburg, IL), State of Iowa Contract 1199F. \$95,821.23. (Non-competitive procurement). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1154 54. Certification of Civil Service Entrance List for Right Of Way Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1155 55. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1156 56. Authorizing Finance Director to draw warrants on register of March 29, 1996 and the bills of the Des Moines Municipal Housing Agency for the week beginning March 25, 1996, and the biweekly payroll due City employees on March 29, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-1157 57. 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 do now pass, #13,317. Motion Carried 7-0.**

96-1158 58. On amendment to the Zoning Ordinance, to clarify wording from "Building Department" to "Building Official". **Moved by Vlassis that this ordinance do now pass, #13,318. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION (continued)

96-1159 59. Amending Chapter 7 of the Municipal Code regarding Animal Adoptions at the Alice Cunningham Animal Shelter. **Moved by Vlassis that this ordinance do now pass, #13,319. Motion Carried 7-0.**

96-1160 60. Amending Chapter 7 of the Municipal Code regarding application to License Vicious Dogs. **Moved by Vlassis that this ordinance do now pass, #13,320. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-1161 61. 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 Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1162 62. Amending Chapter 15 of the Municipal Code regarding Birdland Park Marina Moorage rates. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

****Council moved to Item 67 thru end of agenda next****

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

HEARINGS (Opened at 5:30 P.M.) (Items 63 thru 66)

96-1163 63. 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, (Council Communication No. 96-124). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1164 (a) Authorization for additional action. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1165 (b) Approving form and authorizing execution of a contract for Loan Guarantee Assistance and related documents. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1166 64. On 1995 Community Development Block Grant (CDBG) Program Year Performance. **Moved by Hensley to adopt. Motion Carried 7-0.**

HEARINGS (continued)

96-1167 65. On Grand View and Ashby Parks Shelter Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete Construction Co, (Robert L. Johnson, Pres., 107 Arthur Avenue, DM), \$186,327.25 **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1168 66. On vacation and conveyance of north/south alley in vicinity of Seventh and Center Streets, to the Des Moines Metropolitan Transit Authority. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1169 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

* * END HEARINGS at 5:45 P.M. * *

****Council considered Items 51 thru 62 next****

CITY MANAGER RECOMMENDATIONS

96-1170 67. Regarding adoption of a Political Activity Policy for City Employees, (Council Communication No. 96-128). **Moved by Phillips to receive, file and adopt the policy recommended in Council Communication No. 96-128, as amended. Motion Carried 6-1. Nays: Flagg.**

96-1171 68. Regarding proposed policy to accommodate dancing, music, and coin-operated gaming activities after 2:00 A.M. (Council Communication No. 96-125) **Moved by McPherson to receive, file and deny. Motion FAILED 2-5. Yeas: Davis and McPherson. Nays: Phillips, Daniels, Flagg, Hensley and Vlassis.**

96-1171A (a) Communication from Robert Helmick, President of Plaza Condominiums Association, submitting objection to request to extend public dance hours. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

96-1172 (b) Proposed Policy, to accommodate dancing, music and coin-operated gaming activities after 2:00 A.M., by special permit process. **Moved by Hensley to receive, file and refer to City Manager and Legal to formulate an ordinance for Council consideration,**

changing age limit to 21; stipulate a specific distance for such activities, (such as length of a football field), from residential, churches, hospitals, etc.; a permit process allowed on a quarterly basis, with Council approval. Motion Carried 5-2. Nays: Davis and McPherson.

APPROVING

96-1173 69. Receipt of donation and construction of fence in Seneca Avenue right-of-way west of E. 14th Street and license to benefit Radio City Mobile Home Park tenants. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1174 70. Intergovernmental 28E Agreement with State of Iowa, Department of Human Services to administer Enterprise Community projects; amount not to exceed \$3.1 million in grant funds. (Council Communication No. 96-130). **Moved by Vlassis to adopt. Motion Carried 7-0.**

71. NUMBER NOT USED.

COUNCIL REQUESTS

96-1175 72. Rescinding prior Roll Call 94-4776, and rescinding City's withdrawal from membership in the Intergovernmental 28E Agreement for promotion of tourism and convention activities in the Greater Des Moines area, which was to be effective July 1, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

96-1176 (a) Resolution to withdraw from membership in the Intergovernmental 28E Agreement for promotion of tourism and convention activities in the Greater Des Moines area to be effective on July 1, 1998. **Moved by McPherson to adopt. Motion Carried 4-3. Nays: Daniels, Phillips and Vlassis.**

****Council Member Flagg left the meeting at 7:30 P.M.****

96-1177 73. From Council Member Gene Phillips, regarding the Downtown East Development Plan. **Moved by Phillips to receive, file and adopt the recommendations as outline in Council Member Phillips' communication; including Chair of City Plan Commission and Urban Renewal Board in Committee composition. Motion Carried 6-1. Absent: Flagg.**

COMMUNICATIONS/REPORTS

74. From Skip Moore, Des Moines Action Board Chair regarding the following:

96-1178 (a) Timely reporting of CDBG, HOME and ESG activities. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

96-1179 (b) Election of officers for Des Moines Action Board. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

* * * * *

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.

96-1180 1. Approving Proposed Memorandum of Understanding with City of Norwalk, regarding Des Moines International Airport Runway Expansion. SPONSOR: Davis **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

****Council Members Daniels and McPherson left at 7:50 PM****

96-1181 2. Oral request of Council Member Hensley, to discuss compliance with City Ordinances relative to parked cars in private lot across from Des Moines International Airport. SPONSOR: Hensley. **Moved by Hensley to receive, file and refer to City Manager and Legal for review and recommendation regarding more "teeth" in the ordinance regulating parking lots; construction, screening, fines/penalties for non-compliance. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

A G E N D A
BOARD OF HEALTH
March 25, 1996

96-1182 MOTION TO CONVENE **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

HEARINGS

96-1183 1. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 1537 1/2 10th (vacant)
TITLEHOLDERS/LANDLORDS: Elian W. and Della G. Timmerman and Alvin E. Timmerman. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

AUTHORIZING

96-1184 2. Demand for payment and release of demolition cost reserve held under claim number 14J14747 regarding property known as 3805 Indianola Road, owned by Peter L. and Lillian Riccelli. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-1185 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:02 P.M. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**