

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 22, 1996 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

Capitol View Neighborhood Recognition

PROCLAMATIONS - 4:00 P.M.:

(a) Arbor Day

(b) National Youth Service Day

(c) Christmas In April- Greater Des Moines Week.

(d) Des Moines Area Religious Council Emergency Food Pantry Month

INVOCATION: Father Tom Pfeffer

Visitation Church

96-1497 1. ROLL CALL: **Present: Davis, Flagg, Hensley, McPherson, Phillips and Vlassis.**
Absent: Daniels.

96-1498 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1499 3. APPROVING CONSENT AGENDA - items 3 through 65: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

96-1500 4. Communication from Legal Department regarding April 22, 1996 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

96-1501 5. S.A.O.C.C., Inc., Calvin Campbell, President dba The Depot, Iowa State Fairgrounds - 3000 East Grand Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 4-12-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1502 6. George Davis dba Davis Concessions, Savage Ball Diamond - 2401 Hubbell; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-4-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

96-1503 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #1, 3735 Hubbell; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 2-9-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1504 8. Manuel Mora dba La Tapatia, 1700 E. Grand Avenue; Renewal - Expires 5-1-96 (With Sunday Sales) - Application submitted 4-2-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

96-1505 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #5, 2716 Indianola Road; Renewal - Expires 4-24-96 (With Sunday Sales) - Application submitted 2-21-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1506 10. AJS Inc, Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 3-25-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Beer-Wine Licenses

96-1507 11. Easy Starts Restaurant, Inc., Peter Ligdis, President dba Olympic Flame Restaurant; Renewal - Expires 5-13-96 - Application submitted 4-2-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-1508 12. UPT, Inc., Joseph P. Gatto, President dba Baratta's, 2320 South Union; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 3-15-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1509 13. Craig Kelso dba Des Moines Yacht Club, 2617 Ingersoll; Renewal - Expires 5-5-96 - Application submitted 4-2-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1510 14. 801 Steak & Chop House, Ltd., James P. Lynch, Jr., President dba 801 Steak & Chop House, 801 Grand Avenue, Suite 200; Renewal - Expires 4-28-96 (With Sunday Sales) - Application submitted 3-25-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1511 15. Flanagan Corporation, Tim Flanagan, President dba Tim Flanagan's Restaurant, 2100 Ingersoll Avenue; Renewal - Expires 4-30-96 (With Sunday Sales and Beer Garden) - Application submitted 3-25-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1512 16. Gene's Place, Inc., Ronald Goodrich, President dba Gene's, 2117 E. University; Renewal - Expires 5-9-96 (With Sunday Sales) - Application submitted 3-26-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1513 17. Gerri's Inc., Phillip E. Dillon, Executor dba Gerri's, 232 E. 30th Street; Renewal - Expires 4-25-96 (With Sunday Sales) - Application submitted 3-8-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1514 18. JCS Enterprises, Inc., Harry R. Lancaster, President dba Jack & Randy's Southtown Tavern, 3803 SW 9th Street; Renewal - Expires 5-5-96 (With Sunday Sales) - Application submitted 4-3-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1515 19. Lui Restaurants, Inc., Shea Lui, President dba The Mandarin, 3520 Beaver; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 3-22-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1516 20. Metropolitan Club Management Corp., James M. Hinckley, President dba Metropolitan Club, 400 Locust Street - Suite 100 & 100A-Atrium; Renewal - Expires 4-30-96 (With Sunday Sales) - Application submitted 3-25-96. **Moved by Phillips to adopt. Motion Carried 4-1. Mayor Davis and Council Member Hensley declares a conflict of interest and abstains from voting.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-1517 21. D.T. Corner, Inc., Larry R. Smithson, President dba PaPa's Planet, 206-208 3rd Street; Renewal - Expires 5-4-96 (With Sunday Sales and Beer Garden) - Application submitted 4-1-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1518 22. The Sands Volleyball Club, Inc., Daniel Clark, President dba The Sands Volleyball Club, 6214 Grand Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-29-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1519 23. Scornovacca, Inc., Michael A. Vacco, President dba Scornovacca's, 1930 SE 14th Street; Renewal - Expires 4-22-96 (With Sunday Sales and Beer Garden) - Application submitted 4-3-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1520 24. D.G.F., Inc., David Froust, President dba Sportsman Lounge, 500 Army Post Road; Renewal - Expires 4-24-96 (With Sunday Sales) - Application submitted 3-21-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "E" Liquor Licenses

96-1521 25. AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-96 - Application submitted 3-25-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

26. Resolution Ordering Construction of the following:

96-1522 (a) Guthrie Avenue Industrial Park Demolition, Phase 2, (4 addresses, See roll call for list), Receiving of Bids, (4-30-96), and Setting Date of Hearing, (5-6-96), (Construction Estimate - \$74,400). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1523 (b) E. Euclid Avenue & Delaware Avenue ROW Demolition, 3411 Delaware Avenue, Receiving of Bids, (5-7-96), and Setting Date of Hearing, (5-20-96), (Construction Estimate - \$15,700). **Moved by Phillips to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

27. Approving Private Construction Contracts for the following:

96-1524 (a) Sanitary Sewer Improvements at 4700 SE 34th Street to service Lots 1, 2, 3 and 4 of Rothfus Acres between McAninch Corporation, Contractors and L.J. Rothfus Construction Co., Owners. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1525 (b) Storm Sewer Improvements at 3610 Merle Hay Road, McDonald's Restaurant between Applegate & Associates, Inc., dba A.A.I. Plumbing & Heating, Contractors, and McDonald's Corporation, Owners. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1526 (c) Special Type F Manhole Improvements at 1831 Guthrie Avenue, Moss Warehouse between Corell Contractor, Inc., Contractors and Pace Company, Owners. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1527 28. Approving completion and recommending acceptance of Private Construction Contracts for construction of Storm & Sanitary Sewer Improvements in Grand Avenue and Ingersoll Avenue to service 3801 Grand Board & Care between A.J. Allen Mechanical Contractors, Inc., Contractors, and 3801 Grand Associates, L.P., Owners. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1528 29. Ordering bids--(5-7-96), approving plans, specifications, form of contract, notice to bidders, and setting date of hearing--(5-20-96), for E. Hartford Avenue Paving. (Council Communication No. 96-168) **Moved by Phillips to adopt. Motion Carried 6-1.**

30. Approving Contract and Bond for the following:

96-1529 (a) ICA Digester Mixers and Primary Scum Modifications, Baker Mechanical. **Moved by Phillips to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1530 (b) Blank Park Zoo Pinniped Pool Painting, Specialty Construction Service Inc. **Moved by Phillips to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

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

96-1531 (a) Parking Garage Relighting, Commonwealth Electric Company of the Midwest, \$2,563.12 is now due and remaining balance of \$19,322.15 to be paid at the end of 30 days.

Moved by Phillips to adopt. Motion Carried 6-1.

96-1532 (b) Easter Lake Area Subsystem, McAninch Corporation, \$179,226.53 is now due, \$36,019.05 the remaining balance to be paid at the end of 30 days. **Moved by Phillips to adopt.**

Motion Carried 6-1.

32. NUMBER NOT USED.

96-1533 33. Approving partial payment in the amount of \$72,286.74 on one public improvement project, Westside Basin Flood Protection by Cramer and Associates, Inc. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1534 34. Approving request from McAninch Corporation, Contractors for the Birdland Park Marina improvements, for extension of time to May 11, 1996. **Moved by Phillips to receive, file and grant the extension of time until May 11, 1996. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

96-1535 35. Resolution levying assessments for cost of Nuisance Abatement-NAC-Emergency Orders, Schedule No. 1996-45 and providing for payment thereof. **Moved by Phillips to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-1536 36. Easement for Public Highway and Easement to Construct and Maintain Parking Curb from Knapp Enterprises in conjunction with reconstruction of Douglas Avenue/Euclid Avenue (U.S. 6). **Moved by Phillips to adopt. Motion Carried 6-1.**

37. Permanent Easement for Sanitary Sewer, Temporary Easement for Construction and Consent and Subordination of Lease, in conjunction with Northwest Airport Sanitary Trunk Sewer:

96-1537 (a) From Dr. Richard S. and Mary D. Toon, 3800 SW 56th Street, \$8,265. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flag. Absent: Daniels.**

96-1538 (b) From Monarch Cement Company, 5200 Park Avenue. **Moved by Phillips to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-1539 38. Capitol View Neighborhood Association as a recognized neighborhood according to City of Des Moines Neighborhood Recognition Policy. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1540 39. Rules and Regulations for the Housing Appeals Board. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1541 40. Nomination recommendation of Council Member Mike McPherson, Ward II for reappointment of Fred Wegner to the Des Moines Access Advisory Board for four-year term to expire June 15, 2000. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1542 41. Nomination recommendation of Council Member At Large Preston Daniels for appointment of Brian Joseph Phillips to the Des Moines Access Advisory Board for four-year term to expire June 15, 1999. **Moved by Phillips to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-1543 42. Approving payment in amount of \$8,889.09 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for consultation and legal services to the City on a variety of airport-related issues, (continued from 4-15-96). **Moved by Phillips to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

96-1544 43. Approving payment in amount of \$15,000 to Barbara Allen, f/k/a Barbara Scannell and Attorney, Christopher D. Spaulding, for injuries sustained in an automobile collision. **Moved by Phillips to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

96-1545 44. Submitting traffic regulation change of elimination of parking on Locust Street between 16th and 18th Streets due to Meredith Corporation expansion. (Council Communication No. 96-169) **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

96-1546 45. Submitting out-of-state travel request for William Wilkins. (Council Communication No. 96-176) **Moved by Phillips to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

96-1547 46. Regarding City of Des Moines Legislative Update of Seventy-Sixth Iowa General Assembly, (report to be distributed Monday). **Moved by Hensley to receive and file report. City Manager to set up a formal meeting with the Governor, after Session adjourns, to**

discuss City's issues, scheduling the meeting at such time to allow the most possible from the Council to attend. Motion Carried 6-1.

APPROVING

96-1548 47. Consent to Merger of Diamond Animal Health Inc., and Heska Corporation, in conjunction with Des Moines Action Loan. (Council Communication No. 96-174) **Moved by Phillips to approve. Motion Carried 6-1.**

96-1549 48. Placement of banners and banner design for River Bend, to be displayed on Sixth Avenue between University and Hickman Road. **Moved by Phillips to receive, file and grant the request. Motion Carried 6-1.**

96-1550 49. Renewal of Intergovernmental 28E Agreement with Iowa Department of Job Services for Model Cities Target Area Employment Office to provide intake and placement services for unemployed and underemployed residents, May 1, 1996 to April 30, 1997. (Council Communication No. 96-172) **Moved by Phillips to approve. Motion Carried 6-1.**

96-1551 50. Agreement with Koester Construction Company, Inc. and Union Pacific Railroad Company to use existing private railroad crossing to facilitate construction of Greater Des Moines Soccer Park Contract No. 2, in amount of \$1,200. (Council Communication No. 96-173) **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1552 51. Work Program and Terms and Conditions, 1996 CDBG funding for City Wide Garden Project, \$18,000. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1553 52. Minimum requirements, competitive criteria, and Form of Urban Renewal Contract, City-initiated Development Proposal, Disposition Parcel No. 2/Central Place Industrial Park Redevelopment Program, 1523 Vermont. (Council Communication No. 96-175) **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1554 53. Agreement with MidAmerican Energy, for them to relocate an existing pole at Grand View Park Shelter, at City's request, \$1,040.54. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1555 54. Amendment Two to the Cooperative Agreement with HUD, to provide \$8,600 additional funding for processing of housing discrimination complaints by Des Moines Human Rights Commission. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1556 55. Amendment Two to the Forest Avenue Corridor Revitalization Project, extends project to December 31, 1996, and allows for monitoring activities. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1557 56. Amendment to the three-year contract with the Arthritis Foundation of Iowa, regarding the Mini Grand Prix, May 18 and 19, (changes description of streets utilized for the course). **Moved by Phillips to adopt. Motion Carried 6-1.**

APPROVING (continued)

57. Bids for the following:

96-1558 (a) Computer Supply Store, (1408 Locust, David Pomeroy, President) and Computerland, (611 E. 2nd Street, Wayne Clure, President) for computer equipment to be used by the Community Development Department, - Computer Supply Store, \$12,305.50 and Computerland, \$2,601. (Eight bids mailed-five received). **Moved by Phillips to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

96-1559 (b) Lawn chemicals to be used by the Park and Recreation Department at the City parks, cemeteries and golf courses. (Twelve bids mailed-eight received). (See Roll Call for vendors and price breakdowns). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1560 (c) Quality Paints, Inc., (Cuba, MO., Brian Carr, President) for quick dry traffic paint to be used by the Traffic and Transportation Department. (Seven bids mailed-two received). (See Roll Call for various price breakdowns). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1561 (d) Microtox Toxicity Test System to be used by the Engineering Department (Wastewater Reclamation Facility) from Microbics Corporation, (Carlsbad, CA.), \$25,798. (Non-competitive procurement). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1562 (e) Communication from City Manager regarding emergency repair/purchase of computer that operates irrigation system at Blank Golf Course. (Council Communication No. 96-179). **Moved by Phillips to receive and file. Motion Carried 6-1.**

96-1563 58. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-1564 59. Authorizing Finance Director to draw warrants on registers of April 26, 1996 and May 3, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning April 22, 1996 and April 29, 1996, and the biweekly payroll due employees on April 26, 1996. **Moved by Phillips to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-1565 60. 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". **Moved by Phillips that this ordinance do now pass, #13,327. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-1566 61. On application from John Clarke of Clarke Companies, to rezone property at 2801 Fleur Drive from Ltd. "C-0", to an amended Limited "C-0". **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

96-1567 (a) Final consideration of ordinance above, (waiver requested by Developer). **Moved by Phillips 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, #13,331. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

96-1568 62. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Extension of No Parking on North Side of University between 28th and 30th; Corner Clearances on the East side of 34th north of Franklin, on the East side of SE 2nd north and south of Raccoon, on the West side of 48th Place north of Urbandale; request for parking meters adjacent to Des Moines Iron & Supply Co.--south side of Market from SW 1st to SW 3rd. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-1569 63. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for installation of stop signs at intersection of Lincoln Place Drive and John Lynde Road; and restoration of parking during evening hours adjacent to 112 SE 4th Street. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION (continued)

96-1570 64. Rezone property in the 7501 block of U.S. Highway 65/69 (Southglen Village Shopping Center, Phase 2) from a "C-1" (Neighborhood Retail Commercial) to a Limited "C-2"

(General Retail and Highway-Oriented Commercial). **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-1571 (a) Final consideration of ordinance above. **Moved by Phillips 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, #13,328. Motion Carried 6-1.**

96-1572 65. On application from John Clarke of Clarke Company, to rezone property in the 2800 block of Druid Hill Drive, from "R-1" and Ltd. "C-0" and "PUD", to a "PUD". **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

96-1573 (a) Final consideration of ordinance above, (waiver requested by Developer). **Moved by Phillips that 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, #13,329. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Daniels.**

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

ORDINANCES - FIRST CONSIDERATION

96-1574 66. Amending Chapter 23 of the Municipal Code regarding licensing of environmental assessments and remediation activities on City property. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-1575 67. Amending Chapter 16 of the Municipal Code regarding references to the Metropolitan Waste Authority, and miscellaneous revisions reflecting current practices for collection and disposal of solid waste. **Moved by Hensley that this ordinance be considered and given first vote for passage. City Manager will prepare a report on the solid waste/trash pick up program. Motion Carried 6-1.**

****Council considered Items 75 thru 79 next****

INFORMAL HEARINGS (Opened at 5:40 P.M.) (Items 68 thru 73)

96-1576 68. On Capital Improvements Budget Process, to receive public comments regarding Community needs. **Moved by Vlassis to receive and file all comments received and refer to the City Manager for review. Motion Carried 6-1.**

HEARINGS

69. On General Obligation bonds for the following:

96-1577 (a) Directing sale of \$12,500,000, Series 1996C. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1578 (b) Directing sale of \$57,250,000, Series 1996D, (refunding bonds). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1579 (c) Resolution authorizing the issuance of \$12,500,000 Series 1996C Bonds. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1580 (d) Resolution authorizing the issuance of \$57,250,000 Series 1996D Bonds. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1581 (e) Resolution authorizing redemption of the General Obligation Bonds, Series 1985, dated May 15, 1985 for which Norwest Bank Iowa, National Association, is the Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1582 (f) Resolution authorizing redemption of the General Obligation Bonds, Series 1986A, dated April 1, 1986, for which Norwest Bank Iowa, National Association, is the Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1583 (g) Resolution authorizing redemption of the Urban Renewal Tax Increment Revenue Refunding Bonds, Series 1986, dated August 1, 1986, for which Norwest Bank Iowa, National Association, is the Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1584 (h) Resolution authorizing redemption of the General Obligation Bonds, Series 1988A, dated June 1, 1988, for which Norwest Bank Iowa, National Association, is the Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1585 (i) Resolution authorizing redemption of the General Obligation Bonds, Series 1989, dated June 1, 1989, for which the City Treasurer is the Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 6-1.**

HEARINGS (continued)

96-1586 70. On sale of city property to Clarke Company, Ltd, for Private Development, Blank Park Development Area, 9.05 acres adjacent to the Police Academy, (continued from 4-15-96). (Council Communication No. 96-170) **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1587 71. On ground lease agreement with YMCA of Greater Des Moines for 11.22 acre parcel adjoining Police Academy, (continued from 4-15-96). **Moved by Phillips to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1588 72. On conveyance of an easement, to the Savery Hotel L.C., for encroachment of the Savery Hotel building to the north into the adjoining vacated alley, \$4,500. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-1589 73. On vacation and lease of public right-of-way under the Guthrie Avenue Viaduct, to Wayne L. Simmer Trust I and Wayne L. Simmer Trust II, 15-year term, annual rental of \$500 for first 5 years and \$750 for last 10 years. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-1590 (a) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-1591 (b) Final consideration of ordinance above, (waiver requested by applicant). **Moved by McPherson that the rule requiring that ordinances which have been published, or summaries of which have been published, prior to consideration must be voted upon at one meeting for passage by the City Council prior to the meeting at which it is to be finally passed be suspended, that the first consideration be waived, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,330. Motion Carried 6-1.**

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

****Council considered Item 81 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

74. NUMBER NOT USED.

96-1592 75. Recommendation from City Manager regarding proposed Airport Industrial Park and Airport Commerce Park. (Council Communication No. 96-178). **Moved by Vlassis to receive, file and adopt recommendations as contained in Council Communication No. 96-178. Motion Carried 4-1. Absent: Daniels. Mayor Davis and Council Member Flag declare**

a conflict of interest, and abstain from voting.

APPROVING

96-1593 76. Repayment Schedule to Polk County Loan for Advance on Construction Costs for Downtown Riverfront/Amphitheater Project, continued from 4-15-96). (Council Communication No. 96-177) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1594 (a) Communication from Alice Rodine, 23328 Amherst, regarding repayment of loan to Polk County, for the Amphitheater. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-1595 77. Renewal of Lease agreement with Electronic Information Corporation of Iowa (EIC) for installation of electronic sign at the Convention Center, one year term ending December 31, 1996, \$2,000 per year, (continued from 4-15-96). (Council Communication No. 96-171) **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

96-1596 78. Change Order No. 1 with Neumann Bros., Inc. for additional work in conjunction with John R. Grubb Community YMCA, in an amount not to exceed \$75,860. (Council Communication No. 96-167) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1597 (a) Change Order No. 2 with Newmann Brothers, for excavation and backfill work in conjunction with the John R. Grubb Community YMCA, not to exceed \$23,194, and a two week extension of completion date to December 15, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1598 79. Recommendation of City Council Employee Evaluation Sub-Committee regarding appointment of Corporation Counsel. **Moved by Vlassis to adopt the recommendations of the Sub-Committee. City Solicitor Timmins to approve Employment Agreement as to Form, prior to Mayor and City Clerk signing. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

****Council considered Hearing Items 68 thru 73 next****

COUNCIL REQUESTS

WITHDRAWN 80. Request of Council Member Hensley, for a resolution of support from the City, regarding a \$286,980 grant - Iowa Finance Authority for YWCA.

COMMUNICATIONS/REPORTS

96-1599 81. Communication from HTJ Inc. (Houghton Properties), regarding its interest in constructing a building in Guthrie Avenue Business Park. **Moved by McPherson to receive, file and refer to the City Manager for action, as appropriate. City Manager to provide a history of T.I.F.s. Motion Carried 6-1.**

96-1600 82. From Iowa Department of Transportation regarding schedule of 1996 Public Input Meetings. **Moved by Flagg to receive and file. Motion Carried 6-1.**

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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.

96-1601 1. (a) Request of Cal Sales for himself and Nan Stillians, to discuss the steering committee for the \$80,000 from Post Office Development Site. **Moved by Vlassis to receive, file and grant the request to speak. City Manager to provide an outline of project history to date. Motion Carried 6-1.**

96-1602 (b) Request of Cal Sales to discuss City's Housing Loan Program in Low to Moderate income areas. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1.**

96-1603 2. Appointment of James Birkenholz as Special Prosecutor, to provide services for a City employee, \$95 per hour. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1604 3. Communication from William Lillis, Attorney for ABC Partners, L.P. regarding proposed incentives for the Airport Business Park, located north of County Line Road, East of SW 42nd Street, west of Fleur Drive and south of Army Post Road. **Moved by Vlassis to receive and file; refer to City Manager for review and recommendation by May 6, 1996. Motion Carried 4-1. Absent: Daniels. Mayor Davis and Council Member Flagg declare a conflict of interest, and abstain from voting.**

EXTRA ITEMS (continued)

96-1605 4. Approving request from United Mexican American Community Center, for permission to close Scott Street between SE Eighth and SE Ninth, Sunday, May 5, 1996, Noon to 5:00 P.M. SPONSOR: Phillips. **Moved by Phillips to receive, file and grant the request. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

April 22, 1996

96-1606 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

96-1607 1. Demand for payment and release of demolition cost reserve held under claim number N2-L79-962, regarding property known as 1914 - 8th, owned by H.A. Maddox. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-1608 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:38 P.M.**

