

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 5, 1997 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

Employee Suggestions Awards

(a) Des Moines Police Department

(b) City Clerk's Department

(c) Wastewater Treatment Plant

Excellence in Historic Preservation Awards

(a) Maine Apartments-1635 Sixth Avenue

(b) Hatten House-1730 Seventh Street

(c) Hubbard House-1601 Arlington Avenue

(d) Riverbend National Register Districts

(e) Nabisco Factory Warehouse-1001 Cherry

(f) Colonial Bread Sign Refurbishing-1225 Second Ave.

PROCLAMATIONS - 4:00 P.M.:

(a) Community Action Week in Des Moines

(b) Preservation Week

INVOCATION: Father Peter Cade

St. George Greek Orthodox Church

97-1565 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-1566 I. **City Council Intent to Appoint Interim Mayor;** Communication from Council Member At Large Preston A. Daniels, placing the name of Robert D Ray, for Council consideration, as Interim Mayor. **Moved by Daniels to receive and file. Motion Carried 6-0.**

97-1567 (A) Resolution appointing Robert D Ray as Mayor. **Moved by Daniels to adopt. Motion Carried 6-0.**

97-1568 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-0.**

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***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

97-1569 3. APPROVING CONSENT AGENDA - items 3 through 55: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

97-1570 4. Communication from Legal Department regarding May 5, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

97-1571 5. SA0CC, Inc., Calvin Campbell, President dba The Depot, 3000 East Grand, Iowa State Fairgrounds; Renewal - Expires 5-24-97 (With Sunday Sales and Beer Garden) - Application submitted 4-21-97. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1572 6. Des Moines Jaycees, Mary Ann Bender, President dba Seniom Sed Friday Fest, Nollen Plaza - 3rd & Locust; Renewal - Expires 5-20-97 (With Sunday Sales and Beer Garden) - Application submitted 4-15-97. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "C" Beer Licenses

97-1573 7. Phillips 66 Company, James J. Mulva, President dba Phillips 66 Company #20236, 6222 Grand Avenue; Renewal - Expires 6-9-97 (With Sunday Sales) - Application submitted 4-8-97. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "C" Beer-Wine Licenses

97-1574 8. T.H. ENT. ltd, Tim Holmes, President dba J. Benjamin's, 5800 Franklin; Renewal - Expires 5-16-97 (With Sunday Sales and Beer Garden) - Application submitted 4-18-97. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "C" Liquor Licenses

97-1575 9. Wolsey Dublin Company, Dennis Rose, President dba Garfield's 1111 East Army Post Road; Renewal - Expires 5-16-97 (With Sunday Sales) - Application submitted 4-11-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1576 10. Noah Ark, Inc., Noah Lacuna dba Noah's Ark, 2400 Ingersoll; Renewal - Expires 5-18-97 - Application submitted 4-14-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1577 11. M & R Investment Inc., Rental Bridle, President dba Sudsucker's, 1511 East Army Post Road; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 4-9-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1578 12. Thirsty Fish, Inc., Derby Heathcote, President dba Thirsty Fish, 2114 Southeast 14th Street; Renewal - Expires 5-15-97 (With Sunday Sales) - Application submitted 4-14-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

Authorizing

97-1579 13. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

Beer Gardens

97-1580 14. Approving permanent beer garden for Raccoon River Brewing Co. LLC, E. Jeffrey Hunter, President dba Raccoon River Brewing Co., 200 - 10th Street. (Restricted Hours: 6:00 A.M. to Sunset Monday thru Saturday and 8:00 A.M. to Sunset on Sunday until electrical service installation. **Moved by Hensley to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

15. Resolution Ordering Construction of the following:

97-1581 (A) Police Station Cooling Tower, Receiving of Bids, (5-13-97), and Setting Date of Hearing, (5-19-97), (Construction Estimate - \$38,000). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1582 (B) 1997 Sidewalk Replacement Program, Receiving of Bids, (5-20-97), and Setting Date of Hearing, (6-2-97), (Construction Estimate - \$102,600). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1583 (C) 1997 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (5-20-97), and Setting Date of Hearing, (6-2-97), (Construction Estimate - \$168,250). **Moved by Hensley to adopt. Motion Carried 6-0.**

16. Number Not Used.

97-1584 17. Approving Professional Engineering Services Agreement with Veenstra & Kimm, Inc. for Engineering Construction Services on Southwest Outfall Relief Sewer-Phase 12, Segment 1A project - \$35,049.98. (Council Communication No. 97-252). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1585 18. Approving professional engineering agreement amendment with Veenstra and Kimm, Inc. to perform right-of-way acquisition services for WRA Phase 12-Southwest Outfall Relief Sewer-Segment 1A - \$6,390.38. (Council Communication No. 97-251). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1586 19. (A) Approving First Addendum to Agreement for Construction of Improvements with YMCA of Greater Des Moines for John R. Grubb Community YMCA Facility Roof Replacement. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1587 (B) Approving Contract and Bond with Des Moines Roofing and Insulation, Inc., - \$75,440. **Moved by Hensley to adopt. Motion Carried 6-0.**

20. Approving contract and bond for Three Lakes Estates Plat 1 Development location at E. Army Post Road and Three Lakes Parkway with Van Hauen & Associates, Inc., for the following:

97-1588 (A) Sanitary Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1589 (B) Storm Sewer Improvements.

WITHDRAWN

97-1590 21. Approving partial payments on four public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1591 22. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 39 locations. (see roll call for list). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1592 23. Authorizing City Manager to acquire the necessary right-of-way and easement for construction of University Court West of 9th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1593 24. Approving Change Order No. 3 with Hopkins Trucking & Excavating for additional work in conjunction with Demolition Contract No. 164, B.H.N.A.C. contract - \$14,660. (Council Communication No. 97-253). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1594 25. Communications from various Contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1595 26. Approving request from Johnson Concrete & Petroleum Const., Inc., 107 Arthur Avenue, contractors for the Union Park Playground Improvements, for an extension of time until May 30, 1997. **Moved by Hensley to receive, file and grant the extension of time until May 30, 1997. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

97-1596 27. Approving schedule of deficiency assessments Schedule No. 1997-50. **Moved by Hensley to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

97-1597 28. Purchase of 1507 E. Walnut Street, from Roy D. and Laurretta Smith, in conjunction with Capitol East Neighborhood Urban Renewal Area - \$22,000. **Moved by Hensley to approve. Motion Carried 6-0.**

97-1598 29. Setting Date of Hearing on sale of excess City property at 819 and 821 SE 9th Street, Riverpoint-Capitol Center Development Project Urban Renewal Area. (5-19-97). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1599 30. Warranty Deed in conjunction with Airport Noise Compatibility Project, Phase I, from Ralph and Frances Ahlberg, 2210 Littell Avenue - \$107,000. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1600 31. Approving Noise and Avigation Easements for five properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1601 32. Backslope and Property Adjustment Easements and Releases, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/SE. 34th Street - Dean Avenue to Railroad Tracks, from Penny Reed, 136 SE 34th Street - \$350, Penny Reed, 142 SE 34th Street - \$125, and Julie Brouillet, 136 SE 34th Street - \$25. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1602 33. Temporary Easement for Construction, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/SE. 34th Street - Dean Avenue to Railroad Tracks, from Brian K. and Carrie Andrew and Paul D. and Jane Ann Andrew, 190 SE. 34th Street - \$70. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1603 34. Easement establishing New Sanitary Sewer Right-of-Way and

WITHDRAWN Release of Prior Sanitary Sewer Easement, from Jill K. and Chris M. Rauch, 255 E. Titus Avenue - \$1.

BOARDS/COMMISSIONS/NEIGHBORHOODS

35. Approving recommendation of Mayor Pro Tem Gene Phillips/Council Member Ward IV for reappointment of the following:

97-1604 (A) Marcia Lyon, 1024 Walnut Street to Architectural Advisory Committee for three year term to expire February 15, 2000. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1605 (B) Gregory Palermo, 4024 Grand Avenue, #201 to Architectural Advisory Committee for three year term to expire February 15, 2000. **Moved by Hensley to adopt. Motion Carried 6-0.**

STREET CLOSINGS

97-1606 36. Approving closure of the following City Streets: **Moved by Hensley to adopt. Motion Carried 6-0.**

(1) Dan Hotka, 4300 Sheridan Avenue, requesting permission to close Sheridan Avenue from 42nd Street to 44th Street on Saturday, June 14, 1997 from 11:00 A.M. to 4:00 P.M. for neighborhood block party.

(2) Preston Muhammad, representing Touchlight Foundation, requesting permission to close 21st Street from Forest Avenue to 1404 21st Street (alleyway) on Saturday, May 24, 1997 from 1:00 P.M. to 7:00 P.M. for Peace Jam-Memorial Day Weekend Block Party.

SETTING DATE OF HEARINGS

97-1607 37. On conveyance of the north/south alley right-of-way between Michigan and Vermont Streets, north of Clark Street, to Keeling Rhoads Investment Company, \$644 plus costs, (5-19-97). **Moved by Hensley to adopt. Motion Carried 6-0.**

38. On proposed designation of the following, as Urban Revitalization Areas, and approving Area plans, (6-16-97):

97-1608 (A) Twin Oaks Condominiums, 5555-5611 Meredith Dr.

WITHDRAWN

97-1609 (B) Three Lakes Estates, 2500 block of E. Army Post Road. **Moved by Hensley to adopt. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-1610 39. Approving payment in amount of \$316.04 to Ensz and Jester, P.C. for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et al. filed in U.S. District Court for the Western District of Missouri. **Moved by Hensley to approve payment. Motion Carried 6-0.**

97-1611 40. Approving payment in amount of \$4,379.50 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for services relating to collective bargaining. **Moved by Hensley to adopt. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

97-1612 41. Communication from City Manager regarding traffic regulation change for consideration of a Request for Corner Clearance-North Side of Lanewood Drive East of Waveland Drive and North Side of Waveland Drive West of Lanewood Drive. (Council Communication No. 97-257). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

APPROVING

97-1613 42. Transfer of \$400,000 from the Section 8 reserve funds to the Public Housing operation reserves, bringing the reserve level to \$661,000 or 20 percent of the operating budget. (Council Communication No. 97-255). **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

97-1614 43. Recommendation of Local Law Enforcement Block Grant Advisory Board, Police Department's proposal and authorizing Federal Follow-up Information Form for submission to Bureau of Justice Assistance. (Council Communication No. 97-243). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1615 44. Communication from City Clerk, submitting report on City Council meeting/meal expenses for April, 1997. **Moved by Hensley to receive and file. Motion Carried 6-0.**

97-1616 45. Communication from TCI of Central Iowa, submitting annual audit of gross revenues for twelve months ended December 31, 1996. **Moved by Vlassis to receive and file. Motion Carried 5-1. Pass: Flagg.**

46. Bids for the following:

97-1617 (A) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for a four-door sedan to be used by the Engineering Department (Wastewater Reclamation Facility), \$13,739. (Six bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1618 (B) Gateway 2000 Major Accounts, Inc., (North Sioux City, IA, Richard Snyder, President) for nine (9) personal computer systems to be used by the Fire Department, \$15,678. (Eight bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1619 (C) Primary and alternate suppliers of vitrified, concrete, metal and polyvinyl chloride pipe to be used by the Public Works Department (Sewer Division). (See Roll Call for vendors, materials specifications and prices). (Six bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1620 (D) Mid-States Ford Truck Sales, Inc., (4300 N.E. 14th, Marv Perry, President), and Dewey Ford, Inc., (444 East 4th Street, Mark Vukavich, President) for a one-ton truck with dump body and snow plow and a five-passenger van to be used by the Park and Recreation Department, total cost of \$37,280.80. (Twelve bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1621 (E) Bituminous Materials and Supply, LP, (900 S.E. Raccoon, Omer Ohl, Vice-President) for an annual contract for dilute CSS-1 emulsion asphalt to be used by the Public Works Department (Street Maintenance), \$0.30 per gallon picked up or \$0.329 per gallon delivered. (Two bids mailed-one received). (Council Communication No. 97-461). **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

46. Bids for the following:

97-1622 (F) Clarke Mosquito Control Products, Inc., Lyell Clarke, III, President) for yearly helicopter aerial mosquito larvicide spraying to be used by Community Development Dept (Health and Zoning Division), \$27.26 per acre for spraying of mosquito larvicide, \$1,267.20 per square mile for mosquito adulticide spraying. (Twenty-eight bids mailed-one received). (Council Communication No. 97-245) **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

97-1623 (G) Concentra Medical Centers, (2323 Dixon Street,-division of Occu Systems, Inc., John C. Brandt, Director) for an in-house clinic for occupational health services to be used by the Civil Service/Personnel Dept. \$996,467. (Twelve bids mailed-seven received). (Council Communication No. 97-256). **Moved by Hensley to adopt. Motion Carried 4-2. Nays: Flagg and McPherson.**

97-1624 47. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1625 48. Authorizing Finance Director to draw warrants on registers of May 9, 1997 and May 16, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning May 5, 1997 and May 12, 1997, and the biweekly payroll due employees on May 9, 1997. **Moved by Hensley to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

97-1626 49. Amending Chapter 2 of the Municipal Code to create a new Citizen Advisory Board on 7-1-97, to replace the Des Moines Action Board, the Citizen Services Task Forces, and the Neighborhood Advisory Board, (which are to be abolished on June 30, 1997), with stipulation that appointments to the new board will be at the June 23, 1997 Council meeting. **Moved by Hensley that this ordinance be amended to limit the number of members of the new board appointed to represent the interests of the City's business, non-profit and educational community, who are not residents of the City, to no more than 3, and that the ordinance as amended do now pass, #13,469. Motion Carried 5-1. Nays: McPherson.**

97-1627 50. On vacation of East/West alley right-of-way in the vicinity of 405 SE 35th Street. **Moved by Hensley that this ordinance do now pass, #13,470. Motion Carried 6-0.**

97-1628 51. On rezoning of property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a Limited "M-1" (Light Industrial District) - excluding Lot #1. **Moved by Hensley that this ordinance do now pass, #13,471. Motion Carried 6-0.**

97-1629 52. On rezoning of property at 2320 South Union, from "R-2" (One and Two Family Residential) or "R1-60" (One Family Low Density,) to a "C-1" (Neighborhood Retail Commercial). **Moved by Hensley that this ordinance do now pass, #13,472. Motion Carried 6-0.**

97-1630 53. On Council-initiated rezoning of property located west of the Des Moines River and north of the Raccoon River, presently zoned "R-2" to a Single Family District Classification. **Moved by Hensley that this ordinance do now pass, #13,473. Motion Carried 6-0.**

97-1631 54. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Parking prohibition in vicinity of fire hydrant on the East Side of 7th between High and Keo; Corner clearances-- on the north side of Pioneer Road West of SE 6th, on the East Side of E. 9th St. South of Filmore Street, on the North Side of Northwest Drive East of 60th Street, on the North Side of Geil Street West of SW 10th Street, and West Side of SW 10th Street South of Geil, and on the West Side of 24th Street South of Bennett Avenue and South Side of Bennett Avenue West of 24th Street. **Moved by Hensley that this ordinance do now pass, #13,474. Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

97-1632 55. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Loading Zone on the West Side of 5th Avenue North of Grand; Reduction in No Parking Any Time Restriction on the North Side of Corning Avenue East of 5th Avenue; Change Passenger Loading and Unloading to Bus Loading Zone on the North Side of Forest Avenue East of 19th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

****Council considered Item 77 and 72 next****

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN97-1633 56. Amending Chapter 17 and Section 27-485.11 of the Municipal Code regarding nuisances--junk motor vehicles, and establishing an Administrative Hearing Process.

WITHDRAWN97-1634 (A) Final consideration of ordinance above, (waiver requested by Community Development Department).

97-1635 57. Amending Chapter 27 of the Municipal Code to designate handicapped parking in front of 1153 24th Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 58)

97-1636 58. On Second Consideration of ordinance rezoning property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from "C-0" (Commercial-Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to a New "NPC" (Neighborhood Pedestrian Commercial) District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1. Nays: McPherson.**

* * END INFORMAL HEARINGS at 6:10 P.M. * *

HEARINGS (Opened at 6:10 P.M.) (Items 59 thru 71)

97-1637 59. On Plans, Specifications, and Estimate of Costs for Asphalt Stabilization Schedule No. 1997-46. **Moved by Hensley to adopt. Motion Carried 6-0.**

DELETED (A) SE Fifth from E. Elm to Scott Avenue.

97-1638 (1) Communication and petition in objection. **Moved by Hensley to receive and file. Motion Carried 6-0.**

ADOPTED (B) SE 14th Street from Highway 65 to County Line Rd.

ADOPTED (C) SE 27th Court from Maury to E. Railroad.

ADOPTED (D) SE 32nd Court from E. Court Avenue to South Line of 133.

ADOPTED (E) SE 33rd St. from E. Court Ave. to South Line of 141.

DELETED (F) SE 33rd Court from E. Court to South Line of 151.

97-1639 (1) Communication in objection. **Moved by Hensley to receive and file. Motion Carried 6-0.**

DELETED (G) E. Court Avenue from SE 34th to SE 36th Street

97-1640 (1) Communication and petition in objection. **Moved by Hensley to receive and file. Motion Carried 6-0.**

ADOPTED (H) South Union from E. Livingston to North Line of 1305.

97-1641 (I) Adopting Resolution of Necessity. **Moved by Hensley to amend and adopt, and all objections filed having been fully considered and are hereby overruled. Motion Carried 6-0. DELETE: SE Fifth from E. Elm to Scott; SE 33rd Court from E. Court to south line of 151; and E. Court Avenue from SE 34th to SE 36th. Motion Carried 6-0.**

97-1642 60. On Plan, Specifications, and Estimate of Costs for Asphalt Stabilization Schedule No. 1997-47: **Moved by McPherson to adopt. Motion Carried 6-0.**

DELETED (A) SW Seventh from Virginia to Pleasantview Dr.

97-1643 (1) Communication in objection. **Moved by McPherson to receive and file. Motion Carried 6-0.**

DELETED (B) SW Eighth from North Line of 4810 to South Line of 5015.

DELETED (C) SW 26th Street from Stanton to McKinley.

DELETED (D) Columbus Avenue from SW First to SW Second.

97-1644 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 6-0.**

ADOPTED (E) County Line Rd. from SW 9th to 1145 County Line Rd.

97-1645 (1) Communication in objection. **Moved by McPherson to receive and file. Motion Carried 6-0.**

ADOPTED (F) 14th Street from Euclid to 150' South of Oak Park Ave.

ADOPTED (G) 18th Street from Francis to Hickman Road.

ADOPTED (H) Witmer Parkway from 34th Street to Beaver Ave.

97-1646 (I) Adopting Resolution of Necessity. **Moved by McPherson to amend and adopt, and all objections filed having been fully considered and area hereby overruled. Motion Carried 6-0. DELETE: SW 7th from Virginia to Pleasantview Dr.; SW 8th From North Line of 4810 to south line of 5015; SW 26th from Stanton to McKinley; and Columbus from SW 1st to SW 2nd.**

97-1647 61. On amendment to the Zoning Ordinance regarding radio, television and communication towers and other tall structures which exceed the general height limitation in the district. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Daniels.**

97-1648 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: Daniels.**

97-1649 62. On amendment to the Zoning Ordinance regulating the use of flag lots in residential development. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1650 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1651 (B) Final consideration of ordinance above. **Moved by McPherson 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, #13,475. Motion Carried 6-0.**

97-1652 63. On amendments to the Zoning Ordinance and Section 9-119, regarding transient merchants, farmers' markets, festivals and carnivals. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1653 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1654 (B) Final consideration of ordinance above. **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, #13,476. Motion Carried 6-0.**

97-1655 64. On amendments to the Zoning Ordinance regarding what qualifies for treatment as an "accessory building" or "dwelling". **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1656 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1657 (B) Final consideration of ordinance above. **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, #13,477. Motion Carried 6-0.**

97-1658 65. On amendments to the Zoning Ordinance regarding frequency and duration of yard and garage sales. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1659 (A) First consideration of ordinance above. **Moved by McPherson this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1660 (B) Final consideration of ordinance above. **Moved by McPherson 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, #13,478. Motion Carried 6-0.

97-1661 66. On amendments to the Zoning Ordinance regarding special event signage. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1662 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1663 67. On amendments to the Zoning Ordinance regarding open space requirements in "PBP" (Planned Business Park Districts). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1664 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1665 68. On vacation and conveyance of North/South alley and portions of the SE Fifth and Allen Street rights-of-way to Scott Street Enterprises, \$450 plus costs. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1666 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1667 (B) Final consideration of ordinance above, (waiver requested by applicant). **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,479. Motion Carried 6-0.**

97-1668 69. On vacation and conveyance of a portion of E. 33rd Street right-of-way between E. Euclid and E. Douglas, to Bernard J. Baker III, (previous actions contained an error in the legal description). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1669 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1670 (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, #13,480. Motion Carried 6-0.**

97-1671 70. On application from O'Reilly Automotive, Inc., to rezone property at 2114 Martin Luther King Jr. Parkway, from a Limited "C-2" (General Retail and Highway Oriented

Commercial District), to a Limited "C-2". **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1672 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1673 (B) Final consideration of ordinance above. **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, #13,481. Motion Carried 6-0.**

97-1674 71. On 1996 Consolidated Plan Program Year Grantee Performance Report. **Moved by Flagg to adopt. Motion Carried 6-0.**

* * END HEARINGS at 6:25 P.M. * *

****Council considered Item 74 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

97-1675 72. Submitting update on the Citywide Strategic Plan Process. (Council Communication No. 97-258). **Moved by Hensley to receive and file; and direct the Manager to work with the original committee to develop final details of the committee and return to Council within thirty days for final approval. Motion Carried 6-0.**

APPROVING

97-1676 73. Legislative Update for 76th Iowa General Assembly. **Moved by Hensley to receive and file the attached report. Motion Carried 6-0.**

****Council considered Hearing Items 58 thru 71 next****

97-1677 74. Approving contract with L-Z Associates, Inc. to perform value engineering study of preliminary design of Martin Luther King Jr., Parkway project from I-235 to 14th and E. 15th Street - \$154,000. (Council Communication No. 97-254). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1678 75. Professional Service Agreement with Tridata Corporation for Fire Services Study - \$67,308. (Council Communication No. 97-246). **Moved by McPherson to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: Vlassis.**

76. Receipt of Management Letters for the following:

97-1679 (A) City of Des Moines fiscal year ending June 30, 1995. (Council Communication No. 97-244). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1680 (B) City of Des Moines, from KPMG Peat Marwick LLP, for the fiscal year ending June 30, 1996. (Council Communication No. 97-247). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1681 (C) Des Moines Municipal Housing Agency, from Hayes and Associates, LLC, for the fiscal year ending June 30, 1996. (Council Communication No. 97-248). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1682 77. Community Service Facility Operational Agreement with YWCA for administration of community service activities within Seventh and Grand Parking Garage. (Council Communication No. 97-260). **Moved by Vlassis to adopt. Motion Carried 5-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

78. Intergovernmental 28E Agreements regarding Kiwanis Nature Island:

97-1683 (A) Between City of Des Moines, Polk County and Kiwanis Nature Island to construct a pedestrian bridge from Corning Avenue to Kiwanis' Nature Island. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1684 (B) Fourth Amendment to the Kiwanis Nature Island Intergovernmental 28E Agreement, regarding that upon completion, the City will accept ownership of the bridge and provide structural maintenance and Kiwanis will assume responsibility for operation and management of the bridge. (Council Communication No. 97-249). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1685 79. Creation of new job classification of Botanical Center Marketing Coordinator, (half-time position), Range 19 of the Municipal Employees Association (MEA). (Council Communication No. 97-259). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1686 80. New Job Specifications for Human Resources Director. (Council Communication No. 97-250). **Moved by Vlassis to adopt. Motion Carried 4-2. Nays: Flagg and 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.

97-1687 1. Approving Class "C" Liquor License for Agnes L. Williams dba Club Rendezvous, 1016 University, SPONSOR: Hensley. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1688 2. Setting Date of Hearing on application from Don Brown--Thirty 800 Park Avenue Partners, to rezone property at 3800 Park Avenue from "R1-80" (One Family Residential) to a "PUD" (Planned Unit Development) for 18 townhome units, and to find this in conformance with the Des Moines 2000 Land Use Plan, (5-19-97). SPONSOR: Hensley. **Moved by Flagg to adopt. Council requests additional information on "R1-80" proposals for this site, names and addresses of limited partners, and map and dimensions of site. Motion Carried 6-0.**

97-1689 3. Communication from James and Sharon Nelson, 1215 E. 41st, objecting to the asphalt stabilization of E. 41st Street, from E. University to Dubuque. (approved on April 21st agenda). SPONSOR: Flagg. **Moved by Flagg to receive, file, reconsider and refer to City Engineer to prepare documents for the May 19, 1997 Council meeting, to delete E. 41st Street from E. University to Dubuque, from Schedule No. 1997-44. Motion Carried 6-0.**

97-1690 4. Approving Class "C" Liquor License for RonBonj, Inc., dba Bourbon Street, 500 Army Post Rd. #3. SPONSOR: Mayor Pro Tem Phillips. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Daniels.**

A G E N D A

BOARD OF HEALTH

May 5, 1997

97-1691 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

AUTHORIZING

97-1692 1. Court authority to abate the public nuisance at 608 SE 27th Ct. (Vacant) TITLEHOLDER: Shane T. Stalter. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1693 2. Release of demolition cost reserve escrowed for 1751 E. University Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1694 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:50 P.M. Motion Carried 6-0.**