

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**May 6, 1996 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

- (a) Preservation Week
- (b) Respect for Law Week
- (c) World Wide Days of Caring
- (d) Youth in Government
- (e) School Board Recognition Week

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

Employee Suggestion Award, Al Warren

**INVOCATION:** Rev. Charles Woolery

Burns United Methodist Church

96-1609 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-1610 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1611 3. APPROVING CONSENT AGENDA - items 3 through 76: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

96-1612 4. Communication from Legal Department regarding May 6, 1996 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

96-1613 5. Edelstein, Inc., Deena Edelstein, President dba Duds-N-Suds, 2552 Hubbell; Renewal - Expires 5-18-96 (With Sunday Sales) - Application submitted 3-1-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1614 6. Des Moines Jaycees, Rob Hansen, President dba Seniom Sed Friday Fest, 3rd & Locust (Nollen Plaza); Renewal - Expires 5-20-96 (With Sunday Sales and Beer Garden) - Application submitted 4-19-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1615 7. Krane Speciality, Inc., George A. Kranovich, President dba Steer & Stein, Iowa State Fairgrounds - 3000 East Grand Avenue; Renewal - Expires 6-4-96 (With Sunday Sales and Beer Garden) - Application submitted 4-19-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### Class "C" Beer Licenses

96-1616 8. Relative Inc., Doug Smuck, President dba 2nd Avenue Deli & 66, 1501 2nd Avenue; Renewal - Application submitted 3-18-96, to include renewals for 1990 through October 1996. **Moved by Phillips to ratify and adopt. Motion Carried 7-0.**

96-1617 9. Krueger Enterprises, Inc., Donald W. Krueger, President dba Southgate Standard, 3401 Southeast 14th Street; Renewal - Expires 5-29-96 (With Sunday Sales) - Application submitted 4-23-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### Class "C" Beer-Wine Licenses

96-1618 10. T.H. Enterprises Ltd., Tim Holmes, President dba J Benjamin's, 2800 Franklin; Renewal - Expires 5-16-96 (With Sunday Sales and Beer Garden) - Application submitted 4-16-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1619 11. Suds on 2nd, Inc., Maria Varvel, President dba The Keg, 1608 - 6th Avenue; New Application (With Sunday Sales) - Application submitted 3-27-96. **Moved by Vlassis to reconsider and adopt. Motion Carried 4-1-2. Yeas: Davis, Phillips, McPherson, Vlassis. Nays: Hensley. Pass: Daniels and Flagg. A previous motion to approve failed to receive the requisite four (4) affirmative votes.**

#### **LICENSES AND PERMITS (continued):**

#### Class "C" Liquor Licenses

96-1620 12. Wolsey Dublin Company, Dennis Rose, President dba Garfield's Restaurant & Pub, 1111 East Army Post Road; Renewal - Expires 5-16-96 (With Sunday Sales) - Application submitted 4-15-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1621 13. Noah's Inc., Sally A. Lacona, President dba Noah's, 2400 Ingersoll Avenue; Renewal - Expires 5-18-96 - Application submitted 4-16-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

## Authorizing

96-1622 14. City Clerk to issue Coin Operated Machine Licenses. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1623 15. City Clerk to issue Cigarette Licenses. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

## Beer Gardens

96-1624 16. Approving temporary beer garden application from Veterans Memorial Auditorium Commission dba Veterans Memorial Auditorium, 833 5th Avenue; Application submitted 4-26-96 for events to be held May 18 and May 25, 1996 (One Day Events). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1625 17. Approving temporary extension of current beer garden application from Nacho Mammass, Inc., Rich Murillo, President dba Nacho Mamma's, 216 Court Avenue; Application submitted 4-17-96 for event to be held May 17, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

## Refunds

96-1626 18. City Treasurer to issue Refunds. **Moved by Phillips to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

96-1627 19. Resolution ordering bids (5-21-96), approving plans, specification, form of contract and notice to bidders, fixing amount of bid security and setting date of hearing (5-28-96), for 1995 Paving Program No. 1, Schedule No. 1995-01. (Council Communication No. 96-197) **Moved by Phillips to adopt. Motion Carried 7-0.**

20. Resolution Ordering Construction of the following:

96-1628 (a) E. 18th Street Interceptor Relining (South of Maury Street to E. Court Avenue), Receiving of Bids, (5-21-96), and Setting Date of Hearing, (5-28-96), (Construction Estimate - \$2,314,350). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1629 (b) Martin Luther King, Jr., Parkway Demolition Contract No. 2 (four properties, see roll call for list), Receiving of Bids, (5-21-96), and Setting Date of Hearing, (5-28-96), (Construction Estimate \$211,700). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1630 21. Approving Amendment No. 3 between City of Des Moines and U.S. Department of Commerce Economic Development Administration for a 120-day extension for completion of construction in conjunction with the Flood Protection Grant No. 05-19-61063, Columbus Park Pumping Station Improvements. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1631 22. Approving contract with Newmann-Kiewit Constructors, for construction of Des Moines Skywalk Bridge 7B-7C South Support and Vertical Access Node adjacent to the 8th and Mulberry Parking Garage, (Employers Mutual). (Council Communication No. 96-195) **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1632 23. Approving Supplemental Agreement No. 3, with Terracon Environmental, for Subsurface Environmental Assessment, vicinity of 21st and Forest Avenue, \$5,610. (Council Communication No. 96-191) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1633 24. Approving Project Agreement with Iowa DOT, for Traffic Safety Improvement Funding, for construction of the 30th/31st Street Corridor Improvement. (Council Communication No. 96-183) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

96-1634 25. Approving Private construction contract for sanitary sewer along SE 8th Street, to serve Southern Meadows Apartments at 2847 Indianola Avenue and Phase I of Southern Meadows Subdivision, Mihalovich Plumbing & Heating Co., Contractors, Indianola at Eighth Development Inc., Owners. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS (continued)**

96-1635 26. Communications from various contractors requesting permission to sublet certain items on five public improvement projects. (See roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1636 27. Approving partial payments on ten public improvement projects. (See roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

96-1637 28. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of April, 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1638 29. Resolution levying Assessments for costs of Nuisance Abatement-NAC City Crew Sidewalk Repair, Schedule No. 1996-36 and providing for payment thereof. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1639 30. Authorizing Assessment Clerk to correct Schedule No. 1993-02 in the amount of \$752.08, for property known as Crawford Creek, owned by the City of Des Moines and should be marked "Paid". **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1640 31. Authorizing Assessment Clerk to correct NAC-Emergency Orders Schedule 1996-44 in amount of \$282.11, for 415 Tiffin, should have been assessed to 3928 8th Street. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1641 32. Authorizing Assessment Clerk to correct NAC-Emergency Orders Schedule 1995-46 in amount of \$176.91, for 3619 6th Avenue, should have been assessed to 911 Franklin Avenue. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1642 33. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, certified to Des Moines Water Works for April 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

96-1643 34. Fair Market Value for property at 2100 Ingersoll Avenue, from Bob J. Knapp, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop Bypass (CBD Loop) - \$144,400. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1644 35. Release of Restoration Bond No. IAC 18365, \$35,828 to The Phoenix Group Ltd. for Conceptual Plan of PUD entitled SOUTHBROOK GREEN APARTMENTS. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1645 36. Backslope and Property Adjustment Easement and Release, Warranty Deed, and Offer to Purchase, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement, from John R. Ortega, 125 Army Post Road - \$806.80. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1646 37. Permanent Easement for Sanitary Sewer Right-of-Way and Consent and Waiver as to Easement for Sewer Right-of-Way by Mortgagee, in conjunction with Sanitary Relief Sewer-SW 26th to Walnut Creek, North of Raccoon River, from H & T Enterprises, Inc. - \$200. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1647 38. Temporary Easement for Construction, in conjunction with Sanitary Relief Sewer-SW 26th to Walnut Creek, North of Raccoon River, from Edmond B. and Barbara Long, 2901 Seniomsed - \$1.00. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1648 39. Backslope and Property Adjustment Easement and Release, Offer to Purchase, Warranty Deed and Partial Release of Mortgage, in conjunction with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, from Frank Martinez, 6410 University Avenue - \$685. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1649 40. Condemnation Commissioner's award of \$750, plus Sheriff's fees and jury expenses, in conjunction with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, to Carol Lane-Hill. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

96-1650 41. Communication from Guy R. Cook, submitting his resignation from the Historic District Commission, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 7-0.**

96-1651 42. Communication from Brian C. Devick, submitting his resignation from the City Plan Commission, effective June 1, 1996. **Moved by Phillips to receive, file and accept with deep regret. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)**

96-1652 43. Nomination recommendation of At Large Council Member George E. Flagg for appointment of Jay Ralph Sowden to the Mechanical Board of Examiners for two-year term to expire April, 1997. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1653 44. Notice from Enterprise Community Steering Committee, regarding appointment of Mary Chapman, 1100-7th Street, and Sy Forrester, 1611 Washington, as her alternate. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1654 45. Notice from Enterprise Community Steering Committee, that Jack Taylor is no longer available to serve, and that Des Moines Development Corporation has selected Max Johnson to fill the vacancy. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **BLOCK PARTIES**

96-1655 46. (1) Ratifying approval of request from Raul's Taco House, to close the East/West alley south of E. Grand, from E. 16th to 350 west, Saturday, May 4, 1996 from 5:00 to 11:00 P.M. (fund-raiser for Cancer Fund). **Moved by Phillips to adopt. Motion Carried 7-0.**

(2) Court Avenue Association/Nacho Mammias, 216 Court Avenue, requesting permission to close Court Avenue from Third Street East to Second Avenue, Friday, May 17, from 6:00 to Midnight, (fund raiser). **Moved by Phillips to adopt. Motion Carried 7-0.**

(3) Tim Ford, 2629 Beaver Avenue, requesting permission to close Sheridan Avenue from beaver Avenue to 40th Place, Sunday June 23, from Noon to 6:00- P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(4) Dan Hotka, 4300 Sheridan, requesting permission to close Sheridan Avenue from 42nd to 44th, Thursday July 4, from 10:00 A.M. to 4:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1656 47. Approving deviation from Council policy regarding request from

**WITHDRAWN** John Logsdon, Iowa Gas Swap Meet Inc., request to close Leland Avenue from Fleur Drive east to the east end of the Holiday Inn, from Noon on Wednesday, August 7 thru 9:00 P.M. on Friday August 9.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

96-1657 48. Request for City-initiated vacation of a portion of the Carlisle Road right-of-way in the 2300 block of Carlisle Road. **Moved by Phillips to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

96-1658 49. On vacation and conveyance of alley right-of-way in vicinity of E. 22nd and University, to William C. and Diann L. Padgett, \$25 plus costs. (5-20-96). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1659 50. On proposed lease of property in vicinity of SE 11th and Allen Streets, to Robert Etzel, (d/b/a Pallet Brokers), ten-year term, \$10 per year, (5-20-96). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1660 51. On vacation of public alley in block bounded by SW 1st, SW 2nd, Market and Elm streets. Ratification of prior vacations, request by Water Tower Development Corporation, to cure title objections, (5-20-96). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1661 52. On amendment to Zoning Ordinance, creating a "C-1A" (Neighborhood Commercial Reuse District), for infill commercial uses, (5-20-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

96-1662 53. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Phillips to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

96-1663 54. Approving payment of \$7,317.25 to Jerry Garland and Robert Pratt, his attorney for workers' compensation settlement. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

96-1664 55. Regarding Contract for Services Agreement with Grubb YMCA, for recreational activities in Evelyn K. Davis Park, \$22,000. (Council Communication No. 96-198) **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1665 56. Regarding execution of UCC-3 and UCC-4 documents terminating City's Lien for Metro Materials, Inc., 1422 Scott Street, and necessary actions for loan recovery. (Council Communication No. 96-189) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1666 57. Reassignment of Lease Agreement with Elliott Flying Service, Inc., to Elliott Aviation of Des Moines, Inc. (Council Communication No. 96-186) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

96-1667 58. Submitting out-of-state travel request for Kayne Robinson. (Council Communication No. 96-185) **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1668 59. Submitting traffic regulation changes for the following: Corner Clearances on the south side of Mansfield east of E. 25th, and on the south side of Cleveland Avenue east of E. 27th Street; installation of signals at E. 4th and Locust and removal of signal at E. 5th and Locust; request for relocation of metered handicapped parking space adjacent to Central Iowa for Independent Living Offices. (Council Communication No. 96-182). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

96-1669 60. Regarding City of Des Moines Legislative Update of Seventy-

**WITHDRAWN** Sixth Iowa General Assembly.

96-1670 61. Regarding resolution to clarify payment of interest on General Obligation Bonds, Series 1996C and 1996D, dated May 1, 1996. (Council Communication No. 96-180) **Moved by Phillips to adopt. Motion Carried 7-0.**



## **APPROVING**

96-1671 62. City Manager's Monthly Financial Report for March 1996. **Moved by Phillips to receive and file. Motion Carried 7-0.**

## **APPROVING (continued)**

63. Communications from Downtown Partnership, submitting banner designs for the following:

96-1672 (a) University of Osteopathic Medicine and Health Sciences, displayed in the Downtown area during the month of September. **Moved by Phillips to receive, file and approve banner design as submitted. Motion Carried 7-0.**

96-1673 (b) Meredith Corporation, displayed between 16th and 18th on Locust, June 1 through the end of construction. **Moved by Phillips to receive, file and approve banner design as submitted. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

64. 1996 Community Development Block Grant funding for the following:

96-1674 (a) Educational Tutoring Services Project-Childrens and Family Services, \$18,870. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1675 (b) Highland Park Commercial Revitalization Project--Community Development Department, \$17,614. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1676 (c) Multimedia and Computer Services Project-Mid City Vision Coalition, \$5,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1677 (d) Human Services Project-Oakridge Neighborhood Human Services Inc., \$65,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1678 (e) Opportunities Through Transit Project-Des Moines Metropolitan Transit Authority, \$40,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1679 (f) S.W. Fifth Street Bridge Rehabilitation Project-Community Development Department, \$10,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1680 (g) Site Office Accessibility Program-City Manager's Office, \$47,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 82 thru 89 next\*\***

**APPROVING (continued)**

96-1681 65. Amendment Four to Emergency Shelter Grant Program Contract 95-ES-008, \$4,000 increased allocation to the Transitional Housing Program Project. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1682 (a) Amendment One to the Transitional Housing Program Project, Emergency Shelter Grant funds, for additional \$4,000 for maintenance and utility expenses. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1683 66. Amendment Six to LIHEAP contract 2296-07J, adding \$96,072, for weatherization and energy related assistance to low-income persons. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1684 67. Declaring NO OPPOSITION to proposal by the YWCA of Greater Des Moines, for Iowa Finance Authority application for HAFP funding, (\$286,980) to assist with replacing windows, unit ventilator and updating fire alarm system at 717 Grand. (Council Communication No. 96-200) **Moved by Phillips to adopt. Motion Carried 5-0. Mayor Davis and Council Member Hensley declare a conflict of interest, and abstain from voting.**

96-1685 68. Extension of Intergovernmental 28E Agreement between the City of Des Moines Park and Recreation Board and the Greater Des Moines Volkssport Association, to provide recreational program "Walk" at the Botanical Center. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson**

69. The following items regarding redevelopment proposal for Disposition Parcel No. 20B, Guthrie Avenue Business Park-Houghton Properties, (Council Communication No. 96-190):

96-1686 (a) Accepting Developer-Initiated Redevelopment Proposal. **Moved by Phillips to approve. Motion Carried 7-0.**

96-1687 (b) Authorizing Advertisement for competing redevelopment Proposals, and notice of intent to enter into an agreement to purchase land for private redevelopment. **Moved by Phillips to approve Motion Carried 7-0.**

70. Bids for the following:

96-1688 (a) Clarke Mosquito Control Products, Inc., (Roselle, IL) for 330 gallons of Mosquito Adulticide application as a ultra low volume (U.L.V.) nonthermal aerosol to control adult mosquitoes to be used by the Community Development Department (Environmental Health), \$10,840.50 (Six bids mailed-one received). **Moved by Phillips to adopt. MOTION FAILED. Yeas: Davis, Phillips, Daniels. Nays: Flagg, Hensley, McPherson. Pass: Vlassis.**

## **APPROVING (continued)**

96-1689 70. (b) Safety Storage, (Hollister, CA) for Prefabricated Environmental Warehouses for storage of hazardous materials to be used by the Fire Department, Environmental Health, Public Works, and the Parks Department, \$90,495.39 (Twelve bids mailed-five received) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1690 (c) Perkin Elmer Corporation, (Norwalk, CT) for Flow Injection Mercury Analysis System as a trade-in to determine mercury content of substances to be used by the Engineering Department (Wastewater Reclamation Facility), \$25,654.78 (Tens bids mailed-one received). **Moved by Phillips to adopt. MOTION FAILED. Yeas: Davis, Phillips, Daniels. Nays: Flagg, Hensley, McPherson. Pass: Vlassis.**

96-1691 (d) Premier Playground, Inc., (West Des Moines, IA, Rex Allen, President) for three (3) twenty-four foot (24') open-sided hexagonal steel shelters to be used by the Park and Recreation Department, \$18,376 (Nine bids mailed-five received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1692 (e) Primary and secondary suppliers of construction materials to be used by the Public Works Department (Street Maintenance). See roll call for suppliers and price breakdowns (Fifteen bids mailed-seven received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1693 (f) Primary and secondary suppliers of annual contract for concrete, metal and polyvinyl chloride pipe to be used by the Public Works Department (Sewer Maintenance). See roll call for suppliers and price breakdowns (Six bids mailed-five received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1694 (g) Primary and secondary suppliers of annual contract for portland cement concrete to be used by the Public Works Department (Street Maintenance). See roll call for suppliers and price breakdowns, (ten bids mailed-five received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1695 71. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1696 72. Authorizing Finance Director to draw warrants on registers of May 10, 1996 and May 17, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning May 6, 1996 and May 13, 1996, and the biweekly payroll due employees on May 10, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

96-1697 73. 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 do now pass, #13,332. Motion Carried 7-0.**

96-1698 74. 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 do now pass, #13,333. Motion Carried 7-0. City Manager to consider coordinating Council Communication regarding traffic regulations with first consideration of ordinance.**

#### **ORDINANCES - SECOND CONSIDERATION**

96-1699 75. 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 Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1700 76. Amending Chapter 23 of the Municipal Code regarding licensing of environmental assessments and remediation activities on City property. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

96-1701 77. Adding Section 15-181.01 to the Municipal Code, regarding amphitheater fees. (Council Communication No. 96-192) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1702 78. Amending Chapter 27 of the Municipal Code regarding elimination of parking on Locust Street between 16th and 18th Streets. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1703 79. Amending Chapter 27 of the Municipal Code regarding operation of emergency vehicles, to be comparable with State Code. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

#### **ORDINANCES - FIRST CONSIDERATION (continued)**

96-1704 80. Establishing the grade of Indianapolis Avenue from 280' west of E. 27th to E. 29th; and E. 28th Street from Cleveland to Easton Blvd. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1705 81. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearance extension on the south side of Lacona east of SE 14th; two-sided parking restriction on First Street between New York and Corning; Corner Clearance

on the south side of Welker Street west of SW 61st; Request for loading zones on west side of 5th Street south of Keosauqua Way and on the north side of Locust east of 2nd Avenue; and restoration of limited parking in the vicinity of SE 4th and Market. **Moved by McPherson that this ordinance be considered and given first vote for passage.**

**\*\*Council considered Item 90 thru end of agenda next\*\***

#### **HEARINGS (Opened at 5:30 P.M.) (Items 82 thru 89)**

96-1706 82. On Lease Agreement with Norwest Investment Services, Inc., \$91,558, to pay costs for acquisition and equipping for a recycling truck for the City-Wide Recycling Program (Council Communication No. 96-187). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1707 (a) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1708 83. On Seventh and Grand Parking Garage Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Specialty Construction Services, Inc., (John Wade, Pres, Madrid), \$1,092,683. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1709 (a) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1710 (b) Supplemental Agreement No. 2, for Professional Services, with Shuck-Britson, for construction phase services in conjunction with the 7th & Grand Parking Ramp Repair. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1711 (c) Communication from Western Waterproofing Company, regarding award of bid. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Daniels.**

#### **HEARINGS (continued)**

96-1712 84. On Guthrie Avenue Industrial Park Demolition Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, Pres 1805 Euclid), \$53,300. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1713 (a) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1714 85. On Demolition Contract No. 163, B.H.N.A.C.: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L.A. Company, (Linda L. Wicker Owner, 1241 Adams), \$89,360. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1715 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1716 86. On Asbestos Removal - Martin Luther King Jr. Parkway, Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Enviro Safe Air Inc., (Douglas Wheeler, Area Manager, Omaha), \$106,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1717 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1718 (b) Approving Professional Services Agreement with Ames Environmental, Inc. for project supervision and air-monitoring services in conjunction with Asbestos Removal, not to exceed \$19,500. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1719 87. On Asbestos Removal - Martin Luther King Jr. Parkway, Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Pro Environmental Abatement Inc., (Robert V. Jorgenson, Pres. 1533 Ohio Street), \$14,697. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1720 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **HEARINGS (continued)**

96-1721 88. On Arlington Avenue Pavement Repair, College Avenue to Franklin Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (Robert G. Horner, Pres, 903 SE 22nd), \$82,494. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1722 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1723 89. On condemnation of trees located on various properties (See attached list) infested with Dutch Elm Disease or infected with Oak Wilt. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

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

**\*\*Council considered items 68 thru 76 next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

96-1724 90. Regarding City Council request for a report on response to Community Violence. (Council Communication No. 96-199) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

91. NUMBER NOT USED.

96-1725 92. Regarding Request for Proposals, (RFP) for Parking System Management, and establishing a Council Sub-Committee. (Council Communication No. 96-196). **Moved by Vlassis to adopt and appoint subcommittee of Hensley, Phillips and Vlassis. Motion Carried 6-1. Pass: Flagg.**

96-1726 93. Submitting request for rate change at the Ninth and Locust Parking Garage. (Council Communication No. 96-181) **Moved by Hensley to receive, file, and refer to Legal department for preparation of proper legislation. Motion Carried 6-1. Nays: Flagg.**

96-1727 94. Submitting draft ordinance, for discussion only, which would permit vending on City streets and property. (Council Communication No. 96-194) **Moved by Vlassis to receive, file, discuss and refer to staff for presentation at a public meeting which would include members of affected businesses. Motion Carried 4-2-1. Nays: Flagg and McPherson, Pass: Phillips.**

96-1728 95. Submitting recommendation regarding Solid waste Container Limits, and leaf and yard debris bags. (Council Communication No. 96-188) **Moved by Phillips to adopt. Motion Carried 7-0.**

## **APPROVING**

96-1729 96. Receipt of notice from Mid-American Energy, of intent to file a petition for power of eminent domain, pursuant to Section 26-48.01 of the Municipal Code, and setting date of hearing, (5-20-96). **Moved by Hensley to receive and file; set date for public hearing on May 20, 1996 at 5:30 P.M.; and authorize the City Clerk to provide notice to affected property owners, as provided in the Municipal Code. Motion Carried 7-0.**

96-1730 97. Accepting \$15,000 grant from the Prairie Meadows Foundation, for reducing golf expenses in irrigation surcharges and cart trail fees for senior golfers. (Council Communication No. 96-193) **Moved by Vlassis to adopt. Motion Carried 7-0.**

98. The following personnel items, (Council Communication No. 96-184):

96-1731 (a) Cemetery Maintenance Leader, new classification, Range 22, CIPEC. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

96-1732 (b) Park Construction Technician, new classification, Range 24, CIPEC. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

96-1733 (c) Park Equipment Technician, new classification, Range 22, CIPEC. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

96-1734 (d) Senior Horticulture Technician, new classification, Range 20 CIPEC. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

96-1735 (e) Golf Course Technician - reconsideration of new classification, Range 20 CIPEC. **Moved by Hensley to reconsider and adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

## **COMMUNICATIONS/REPORTS**

96-1736 99. Request from Paul Moyer, 2214 E. 14th Street, to extend water service to new home at 6681 N.E. Berwick Drive. **Moved by Vlassis to receive, file and approve extension of water service to new home at 6681 NE Berwick Drive--providing all costs of water extension/hook up to be responsibility of property owner; two (2) inch line approved, with no hook-ons; property owners agree to annex if proposition is put to them in the future. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS (continued)**

96-1737 100. From Daniel W. Tollenaar, 4405 University, requesting to speak

**WITHDRAWN** regarding purchase of land at 4416 University.

96-1738 101. Request from Dan Negrete, 2233 Des Moines Street, to speak regarding Cable Access Programming. **Moved by Flagg to receive, file and grant the request to speak; refer to Legal for review and a report to the City Council.**

96-1739 102. Request from Kevin Johnson, 200 SW Second, to speak regarding recreational use of Water Works Park. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-1740 103. Request from Charles R. Baumhover, 7209 SW 13th, to speak regarding property tax. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

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## **A G E N D A**

### **BOARD OF HEALTH**

**May 6, 1996**



96-1741 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

#### **AUTHORIZING**

1. Court authority to abate the public nuisance at the following locations:

96-1742 (a) 1128 Euclid (vacant) TITLEHOLDER/LANDLORD: Barnes Realty, L.C. Attn: Evie J. Barnes, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1743 (b) 3606-12th (vacant) TITLEHOLDERS/LANDLORDS: Steven Bassman and Penny Bassman, Bankers Trust Company; LEGAL INTEREST HOLDER: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1744 (c) 951-40th (vacant) TITLEHOLDER/LANDLORD: Pro Environmental Abatement, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1745 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:15 P.M.**