

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 20, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Employee Recognition Month
- (b) National Public Works Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Donation from Boulevard Sports--two bicycles for the Police Department.
- (b) Presentation by Midwest Regional Water Safety Council.

INVOCATION: Rev. Martha Hendricks

Plymouth Congregational Church

96-1760 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-1761 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1762 3. APPROVING CONSENT AGENDA - items 3 through 103: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-1762A 4. Communication from Legal Department regarding May 20, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-1763 (a) Request of Council Member Daniels, to discuss Liquor Licensed Establishments, and letter from concerned citizen. **Moved by Daniels to receive, file and refer to City Manager and Legal for recommendation regarding direction the Council can take to have more authority over decisions regarding establishments in the City. Motion Carried 7-0.**

Class "C" Beer Licenses

96-1764 5. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #506, 5000 Southwest 9th Street; Renewal - Expires 6-5-96 (With Sunday Sales) - Application submitted 5-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1765 6. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #539, 1372 East 14th Street; Renewal - Expires 6-4-96 (With Sunday Sales) - Application submitted 5-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1766 7. Singh Food Market, Inc., Amrik Singh, President dba Singh Citgo Mart, 3804 Hubbell; Renewal - Expires 5-30-96 (With Sunday Sales) - Application submitted 5-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1767 8. Walgreen Co., L.D. Jorndt, President dba Walgreens, 105 East Euclid; Renewal - Expires 6-30-96 (With Sunday Sales) - Application submitted 4-29-96. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1768 9. Phillips 66 Company, James J. Mulva, President dba Phillips 66 #20236, 6222 Grand Avenue; Renewal - Expires 6-9-96 (With Sunday Sales) - Application submitted 4-29-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "E" Beer Licenses

96-1769 10. Nash-Finch Company, Alfred N. Flaten dba Easter Foods, 4415 Douglas; Renewal - Expires 6-5-96 (With Sunday Sales) - Application submitted 5-3-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "E" Beer Licenses

96-1770 11. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #516, 901 East University; Renewal - Expires 6-16-96 (With Sunday Sales) - Application submitted 4-12-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1771 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #535, 1501 East Grand Avenue; Renewal - Expires 6-26-96 (With Sunday Sales) - Application submitted 4-12-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1772 13. Contemporary Industries, Bruce Dawson, President dba 7-Eleven Store #303, 4164 Easton Blvd; Renewal - Expires 6-19-96 (With Sunday Sales) - Application submitted 4-17-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1773 14. Smitty's Big Town II, Inc., Clarence E. Smith, President dba Smitty's, 1330 East University; Renewal - Expires 5-24-96 (With Sunday Sales) - Application submitted 4-10-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1774 15. Miner's Incorporated, James A. Miner, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-3-96 (With Sunday Sales) - Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1775 16. Miner's Incorporated, James A. Miner, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-3-96 (With Sunday Sales) - Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1776 17. Tait's Foods, Inc., Robert R. Tait, President dba Tait's Foods, 4100 University; Renewal - Expires 7-8-96 (With Sunday Sales) - Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Beer-Wine Licenses

96-1777 18. Des Moines Women's Club, Donna Emmons, President dba Des Moines Womens's Club, 1501 Woodland Avenue; Renewal - Expires 5-26-96 (With Sunday Sales) - Application submitted 3-29-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1778 19. Concession Corporation, Inc., Tom Altman, President dba Fiesta, 3000 Grand Avenue - Iowa State Fairgrounds; Renewal - Expires 5-31-96 (With Sunday Sales and Beer Garden) - Application submitted 4-29-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "B" Liquor Licenses

96-1779 20. Ackerman Investment Company, James R. Bocken, President dba Best Western Starlite Village, 929 - 3rd Street; Renewal - Expires 6-1-96 (With Sunday Sales) - Application submitted 6-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Liquor Licenses

96-1780 21. Civic Center of Greater Des Moines, Robert Dee, Chairman dba Civic Center of Greater Des Moines, 221 Walnut Street; Renewal - Expires 6-5-96 (With Sunday Sales) - Application submitted 5-3-96. **Moved by Vlassis to adopt. Motion Carried 4-1. Nays: Daniels. Mayor Davis and Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1781 22. Donna's Lounge Ltd., Donna Keul, President dba Donna's Lounge, 4424 Southeast 14th Street; Renewal - Expires 5-30-96 (With Sunday Sales) - Application submitted 4-17-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1782 23. Cristobal Miranda & Jose O. Herndiquez dba El Bohemio, 2300 Hickman; Renewal - Expires 5-24-96 (With Sunday Sales) - Application submitted 4-26-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1783 24. Evelyn Rogers dba Evy's, 1119 Grand Avenue; Renewal - Expires 5-20-96 (With Sunday Sales) - Application submitted 4-12-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1784 25. Pioneer Bar, Inc., Larry D. Patterson, President dba Pop-A-Top Tap, 2201 Easton; New Application (With Sunday Sales) - Application submitted 4-26-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1785 26. Ricky B's, Ltd., Gilbert L. Petersen, President dba Ricky B's, 1101 Army Post Road; Renewal - Expires 5-30-96 (With Sunday Sales) - Application submitted 4-30-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "E" Liquor Licenses

96-1786 27. Nash-Finch Company, Alfred N. Flaten, President dba Easter Foods, 4415 Douglas Avenue; Renewal - Expires 6-19-96 - Application submitted 4-10-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "E" Liquor Licenses

96-1787 28. Miner's Incorporated, James A. Miner, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-3-96 - Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1788 29. Miner's Incorporated, James A. Miner, President dba Super Ones Foods, 3400 East 33rd Street; Renewal - Expires 6-3-96 - Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1789 30. Tait's Foods, Inc., Robert R. Tait, President dba Tait's Foods, 4100 University Avenue; Renewal - Expires 6-17-96- Application submitted 5-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "H" Liquor Licenses

96-1790 31. Shaner Hotel Group Properties, Two Limited Partnership, Lance T. Shaner, Chairman dba Savery Hotel & Spa, 4th and Locust Streets; New Application (With Sunday Sales) - Application submitted 4-23-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-1791 32. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1792 33. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Beer Gardens

96-1793 34. Approving temporary beer garden application from James P. Lynch dba 801 Steak & Chop House, 801 Grand Avenue - Suite 200; Application submitted 4-19-96 for event to be held May 31, 1996 (Rain Date June 7, 1996) on patio at 801 Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Refunds

96-1794 35. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

96-1795 36. Resolution ordering construction of Martin Luther King Jr., Parkway Demolition, Contract No. 3, Receiving of Bids, (6-11-96), and Setting Date of Hearing, (6-17-96), (Construction Estimate - \$94,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

37. 1996 Intermediate Paving Program, Schedule No. 1996-42:

96-1796 (a) City Manager's recommendation. **Moved by Vlassis to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**

96-1797 (b) Preliminary Resolution for construction. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1798 (c) Fixing Values of Lots. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1799 (d) Preliminary plat and schedule estimate of cost and proposed plans and specification. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1800 (e) Resolution of necessity notice to property owners of hearing (6-17-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1801 (f) Setting Date of Hearing (6-17-96), on plans specifications and estimate of cost. **Moved by Vlassis to adopt. Motion Carried 7-0.**

38. Authorization for Right of Way and easements for the following:

96-1802 (a) East Side Interceptor Phase 1 - Reconstruction. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1803 (b) Beaverdale Recreational Trail. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1804 39. Report of Chief Civil Engineer showing construction progress of E. Titus Avenue Storm Sewer Repair - 200 Block, The Underground Company, \$1,168.97 is now due, \$4,671.53 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1805 40. Agreement with Board of Water Works Trustees for construction, connection and inspection of water main, in conjunction with Greater Des Moines Soccer Park Contract, in amount of \$2,245. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-1806 41. Approving completion and recommending acceptance of Private Construction Project for Sanitary Sewer Improvements, Wifvat Plaza at Drake University between A.J. Allen Mechanical Contractors, Contractors and Drake University, Owners. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1807 42. Receive and file bids and recommend City of Pleasant Hill proceed with Award of Contract on Four Mile Creek Greenway Trail, Division 1. (Council Communication No. 96-213) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1808 (a) Petition submitted by James Dank, 1616 E. 42nd, regarding levee construction at E. 42nd and Washington. **Moved by Phillips to receive, file and refer to City Manager for review. Motion Carried 7-0.**

96-1809 43. Ratifying Change Order No. 2 with McAninch Corporation for additional work in conjunction with Birdland Park Marina Improvements, not to exceed \$53,635. (Council Communication No. 96-206). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1810 44. Agreement with Iowa Department of Transportation for rehabilitation of Fleur Drive Bridge over Raccoon River. (Council Communication No. 96-209). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1811 45. Amendment No. 3 between City and U.S. Department of Commerce Economic Development Administration for 120-day extension for completion of construction in conjunction with the Flood Protection Grant, Central Place Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1812 46. Approving partial payments on nine public improvement project. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1813 47. Communications from various contractors requesting permission to sublet certain items on eight public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1814 48. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-1815 49. Approving schedule of deficiency assessments Schedule No. 1996-47. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1816 50. Authorizing Assessment Clerk to correct Asphalt Stabilization Schedule 1995-34, it was determined limits were incorrect (see roll call for amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1817 51. Resolution levying Assessments for costs of Nuisance Abatement-NAC (Emergency Orders), Schedule No. 1996-46 and providing for payment thereof. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-1818 52. Accepting surety deposit, \$95,400 for Conceptual Plan entitled DRUID HILL TOWNHOMES located at Druid Hill and Casady Drives owned and developed by Clarke Companies, Ltd. covering estimated cost of restoration. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1819 53. Condemnation Commissioner's award of \$75,072, plus costs, in conjunction with Iowa 28 (63rd Street) and University Avenue Intersection, to Windsor Presbyterian Church of the United States of America. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1820 54. Backslope and Property Adjustment Easement and Release and two Temporary Easement for Construction, in conjunction with E. Euclid (U.S. 6)/Delaware Avenue Intersection Improvement, from Beverly Realty, Inc., 2020 E. Euclid - \$166, Thomas D. Heiken, 3717 Delaware - \$25. **Moved by Vlassis to adopt. Motion Carried 7-0.**

55. Permanent Easement for Storm Sewer and Surface Water Flowage and Partial Release of Mortgage, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement:

96-1821 (a) From Thomas E. Overbeck, 107 East Lally Street - \$225. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1822 (b) From Rosemary Teater, 103 East Lally Street - \$1,768. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS (continued)

96-1823 56. Backslope and Property Adjustment Easement and Release, in conjunction with 1995 Paving Program No. 1-SW 8th Street from Porter Avenue to Kenyon Avenue, from Charlotte Donovan as Executor of the Einer Jensen Estate and Administrator of the Florence L. Jensen Estate, 5500 SW 8th Street - \$50. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

57. Backslope and Property Adjustment Easement and Release, two (2) Warranty Deeds, two (2) Quit Claim Deeds, and Offer to Purchase, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement:

96-1824 (a) From Harold Luiken and Sons and Army Post Mow 'n Snow, property locally known as on South Union Street - \$8,427. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1825 (b) From Robinson Realty Co. and Kwik Shop Inc., 103 Army Post Road - \$14,022. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1826 58. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement, from Robert E. Israel, 200, 204 and 208 East Army Post Road - \$1.00, Joseph Madonia, 200, 204 and 208 East Army Post Road - \$50, Family Mortgage Service Corp., 200 Dickman Road - \$50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1827 59. Condemnation Commissioner's award of \$600, plus Sheriff's fees and jury expenses, in conjunction with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, to Leona Mae Krohn. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1828 60. Fair Market Value for property at 2021/2023 Grand Avenue, from Bob J. Knapp, Barbara J. Knapp and Jill L. Lundberg, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop) - \$3,430,000. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1829 61. Payment of \$550 to Delbert Hayes, Requisition No. 7219, in conjunction with Northwest Airport Trunk Sanitary Sewer, (due to scriveners error, amount left off original roll call). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

62. Appointment of the following:

96-1830 (a) Recommendation of Council Member Mike McPherson, for reappointment of Keith Mehl, to the Citizen Odor Board, three-year term to expire April 6, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1831 (b) Recommendation of Council Member Gene Phillips, for appointment of David Schladetzky, to the City Plan Commission, to fill unexpired term of Brian Devick, to expire July 6, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

63. Communications from the following, submitting resignations from various Boards:

96-1832 (a) Diana L. Phoenix, from the Neighborhood Advisory Board, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

96-1833 (b) Deborah Schoon, from the Woodland-Willkie Citizen Services Task Force, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

96-1834 (c) William Anderson, Architectural Advisory Committee,

WITHDRAWN effective immediately.

BLOCK PARTIES

96-1835 64. (1) Trinity United Methodist Church, 1548 - 8th Street, requesting permission to close College Avenue, from 8th Street to 9th Street, Sunday, May 26, 1996, from 10:00 A.M. to 4:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(2) Polk County, 401 E. Court Avenue, requesting permission to close Alley south of E. Court Avenue, from E. 4th Street to E. 5th Street, Wednesday, June 5, 1996, from 9:00 A.M. to 3:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(3) William C. Connelly, 3030 - 40th Place, requesting permission to close 40th Place, from Adams Avenue to Ashby Avenue, Saturday, June 15, 1996, from 3:00 P.M. to 9:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BLOCK PARTIES (continued)

(4) Henry Rozenboom, 4126 - 53rd Street, requesting permission to close 53rd Street, from Madison Avenue to Aurora Avenue, Saturday, June 15, 1996, from 5:00 P.M. to 11:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(5) Kristy K. Oswald, 2515 - 40th Place, requesting permission to close 40th Place, from Holcomb Avenue to Sheridan Avenue, Saturday, June 22, 1996, from 6:00 P.M. to 11:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(6) Rod Ryan, 4808 Crestmoor Drive, requesting permission to close 48th Street, from Bel-Aire Road to Crestmoor Drive and Crestmoor Drive, 48th to 50th, Thursday, July 4, 1996, from 10:00 A.M. to 11:00 A.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1836 (B) Union Park Baptist Church, 821 Arthur Avenue, requesting permission to close Arthur Avenue, from East 8th Street to East 9th Street, Sunday, June 2, 1996, from 3:00 to 8:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

96-1837 65. Regarding Architectural Advisory Committee recommendation for the airport expansion of the Economy Parking Lot area, vicinity of Fleur and Army Post Road. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flag.**

96-1838 66. Regarding request from City Manager, on behalf of Des Moines General Hospital, for vacation and lease of a portion of Lyon Street in vicinity of E. 12th. **Moved by Vlassis to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

67. Regarding request from City Manager, for vacation of the following--Guthrie Avenue Business Park:

96-1839 (a) E. 18th Street between Guthrie and Thompson. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

96-1840 (b) Thompson Avenue right-of-way east of DeWolf Street. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-1841 68. On receipt of Regional Wastewater Reclamation Authority Eighth Phase Financing Plan, and on issuance of not to exceed \$6,166,000 in aggregate principal amount of Sewer Revenue Capital Loan Notes, (5-28-96). (Council Communication No. 96-214) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

96-1842 69. On rezoning of property at 2305 McKinley, from "R1-80" (One Family Residential), "C-2" (General Retail and Highway Oriented Commercial, and Ltd. "M-3" (Limited Industrial), to a Ltd. "M-3", and to repeal Ordinance 13,327, (6-3-96), (to correct error in legal description). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-1843 70. Approving payment of \$1,008.65 to Austin, Gaudineer, Austin, Salmons & Swanson, for representation of John Leporte, in the case of Robert Rissman, Jr. v. City of Des Moines. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-1844 71. Communication from Corporation Counsel, designating a Chief Solicitor. **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Flagg.**

96-1845 72. Approving payment of \$607.50 to James D. Birkenholz for representation of City in City of Des Moines v. Scott Bixenman, Case No. AC 191311. **Moved by Hensley to approve payment. Motion Carried 7-0.**

96-1846 73. Approving payment of \$10,567.20 to Vernon Webb-Bey for an injury arising out of and during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-1847 74. Submitting request to establish a loading zone on the east side of E. Second between E. Court and E. Walnut. (Council Communication No. 96-211). **Moved by Vlassis to receive,**

file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.

APPROVING

96-1848 75. Communication from Downtown Partnership, Inc., submitting banner design on behalf of Des Moines Park and Recreation Department promoting FirStar Night Fall on the River every Thursday night beginning June 20. (Banners displayed during June and July). **Moved by Vlassis to receive, file, and approve the banner design as submitted. Motion Carried 7-0.**

96-1849 76. Consent and Recognition Agreement with Sprint Spectrum L.P., for personal communications services monopole to be erected at the Masonic Cemetery, (subject to issuance of a special permit from the Board of Adjustment, at their meeting 5-22-96). **Moved by Hensley to defer, to allow the matter to go before the Board of Adjustment on 5-22-96, and allow the City Plan Commission to make a recommendation, in approximately 30 days, regarding criteria for such poles in the City. Motion Carried 6-1. Nays: Vlassis.**

****Council considered Hearing Items 108 thru 115 next****

96-1850 77. Consent to Assignment of Lease Agreement--Public Plaza, vicinity of Fifth and Locust Streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1851 78. Emergency purchase of 2 lawn mowers, to be used at the Golf Courses. (Council Communication No. 96-210). **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

96-1852 79. Proposal from Mid-City Duplexes, L.P. (ANAWIM), for the purchase and Redevelopment of properties at 1122 and 1130 Ninth Street, and setting date of hearing on sale of properties, (6-17-96). **Moved by Vlassis to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

80. Quarterly Activity Reports--January 1 to March 31, 1996, for the following:

96-1853 (a) Community Services Block Grant, (CSBG). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1854 (b) Emergency Community Services Homeless Grant Program (EHP). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1855 81. Amendment One to the 1995 CDBG Community Preservation Project, to extend project to December 31, 1996, to allow for completion of project activities. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-1856 82. HOME Agreement with Neighborhood Housing Services of Des Moines, for acquiring and rehabilitating two single family owner-occupied properties, \$45,600 in 1994 funds, \$10,300 1995 funds and \$50,900 program income. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1857 83. Intergovernmental 28E Agreement with Dallas County, for hazardous Materials Response Services. (Council Communication No. 96-203) **Moved by Vlassis to adopt. Motion Carried 7-0.**

84. NUMBER NOT USED.

85. NUMBER NOT USED.

96-1858 86. Accepting Developer-Initiated Redevelopment Proposal from Billie Wade, for Disposition Parcel No. 152A (1363 E. Stewart), Logan Urban Renewal Area, Setting Date of Hearing (7-1-96), on Intent to Accept Proposal, and notice of intent to enter into an Urban Renewal Purchase Agreement for Residential Construction if no competing proposal are received. **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1859 (a) Authorizing advertisement for competing redevelopment proposals. (Council Communication No. 96-208). **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1860 87. Proposal for development of Two Single Family Houses, (819 and 821 SE Ninth), from Capitolview South Affordable Housing Program by Barnes Realty, L.C. dba Windsboro Builders and setting date of Public Hearing on agreement, (6-17-96). **Moved by Phillips to approve. Motion Carried 5-2. Absent: Daniels and Vlassis.**

96-1861 (a) Setting Date of Hearing on sale of properties above, (6-17-96). **Moved by Phillips to approve. Motion Carried 5-2. Absent: Daniels and Vlassis.**

96-1862 88. Covenant and Indemnity Agreement with Quik Trip Corporation for right-of-entry at 6223 University. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1863 89. Lease of property in the vicinity of E. 29th and Easton, to the Accent Neighborhood Association, for a landscaped entry feature to their neighborhood. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-1864 90. Staff recommendation regarding proposed annexation by Altoona, of territory in vicinity of 700 block of E. Adventureland Drive, (no significant impact on the growth of Des Moines). **Moved by Vlassis to receive and file such communications. Motion Carried 7-0.**

96-1865 91. License and areaway permits, for Signature Communications, for 16 benches in the public right-of-way. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1866 92. Payment to Dowie Enterprises, Inc., for unamortized value of

WITHDRAWN catering equipment at the Convention Center. (Council Communication No. 96-202).

93. Bids for the following:

96-1867 (a) Dewey Ford, Inc., (444 East Fourth Street, Mark Vukovich, President) for eleven (11) vehicles to be used by the Engineering Department, \$134,363. (Five bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1868 (b) Chesnut Sign Co., Inc., (971 East Broadway, Donovan Chesnut, President) for four lighted marque signs to be used by the Park and Recreation Department (four Community Centers), \$10,410. (Seven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1869 (c) McRoberts Sales Co., Inc., (Ruskin, Florida, Eugene McRoberts, President) for food fish to be used for exotic animals by the Park and Recreation Department (Blank Park Zoo), \$11,110. (Six bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1870 (d) Van Waters & Rogers and D.P.C. Industries of Omaha, Nebraska, and Hydrite Chemical Co., Waterloo, Ia were noncompliant. Pool Tech, Inc., (Cedar Rapids) for chemicals in City's swimming pools to be used by the Park and Recreation Department. (Seven bids mailed-six received). See roll call for price breakdown. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1871 (e) Midwest Coaches, Inc., (Ames, Kent Bergstrom, President) and First Tours, (Urbandale, Kathy Bradshaw, President) for tour buses and drivers to be used by the Park and Recreation Department. (Nine bids mailed-seven received). See roll call for price breakdowns. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-1872 94. Certification of Civil Service Entrance Lists for Jail Security Officer and Claims Adjuster. **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1873 95. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1874 96. Authorizing Finance Director to draw warrants on register of May 24, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning May 20, 1996 and the biweekly payroll due employees on May 24, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-1875 97. 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 Daniels to defer and refer to Legal Department for changes. Motion Carried 7-0.**

96-1876 98. Amending Chapter 23 of the Municipal Code regarding licensing of environmental assessments and remediation activities on City property. **Moved by Vlassis that this ordinance do now pass, #13,334. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-1877 99. 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 Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1878 100. Amending Chapter 27 of the Municipal Code regarding operation of emergency vehicles, to be comparable with State Code. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION (continued)

96-1879 101. Amending Chapter 27 of the Municipal Code regarding elimination of parking on Locust Street between 16th and 18th Streets. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1880 102. 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 Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-1881 103. Adding Section 15-181.01 to the Municipal Code, regarding amphitheater fees. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-1882 104. Rezoning of property at 4501 SW 26th Street, from "R1-80" (One Family Residential) to a Limited "R1-60" (Small Lot One Family Residential), to clarify property description contained in Ordinance 13,312. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Phillips and Daniels.**

96-1883 105. Amending Chapter 27 of the Municipal Code regarding rates for the Ninth Street Parking Garage. **Moved by Hensley that this ordinance be considered and given first vote for passage. City Manager to report on security in the Parking Garages. Motion Carried 6-1. Absent: McPherson.**

96-1884 106. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: 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. **Moved by McPherson to that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION (continued)

96-1885 107. Amending Chapter 21 of the Municipal Code regarding Des Moines Metropolitan Wastewater Reclamation Authority, (five year code update). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 116 thru end of agenda next****

HEARINGS (Opened at 5:37 P.M.) (Items 108 thru 115)

96-1886 108. 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. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-1887 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

96-1888 (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, #13,335. Motion Carried 6-1. Absent: Flagg.**

96-1889 109. On conveyance of alley right-of-way in vicinity of E. 22nd and University, to William C. and Diann L. Padgett, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

96-1890 110. On amendment to Zoning Ordinance, creating a "C-1A" (Neighborhood Commercial Re-use District), for infill commercial uses. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1891 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1892 111. 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. **Moved by Phillips to adopt. Motion Carried 7-0.**

HEARINGS (continued)

96-1893 112. On proposed 12th Amendment to the Omnibus Urban Renewal Plan (an Original Urban Renewal Plan for the Logan Prime Service Area), to provide extension of boundaries for the Capitol East Neighborhood Project, and update the Acquisition and Disposition Maps. **Moved by Phillips to approve. Motion Carried 7-0.**

96-1894 (a) Communication from City Plan Commission finding the 12th Amendment in conformance with the Des Moines 2000 Land Use Plan. (Council Communication No. 96-207). **Moved by Phillips to receive and file. Motion Carried 7-0.**

96-1895 113. On petition from Mid-American Energy, for power of eminent domain, pursuant to Section 26-48.01 of the Municipal Code. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Daniels.**

114. On East Hartford Avenue Paving:

96-1896 (a) Approving proposed plans, specifications and estimated cost. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1897 (b) Presentation of bidders. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1898 (c) Designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (Jim Gauger, Vice Pres, 903 SE 22nd DM), \$799,649.29. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1899 (d) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1900 115. On E. Euclid Avenue & Delaware Avenue Right-of-way Demolition: 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, DM), \$7,989. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-1901 (a) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

* * END HEARINGS at 5:55 P.M. * *

****Council considered item 78 thru 107 next****

CITY MANAGER RECOMMENDATIONS

96-1902 116. Regarding proposed schedule for development of the 1997 Consolidated Plan for Community Development Block grant programs. (Council Communication No. 96-204). **Moved by Hensley to receive, file, and adopt the schedule as presented. Motion Carried 7-0.**

96-1903 117. Regarding Revised Job Specifications for Fire Chief. (Council Communication No. 96-205). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg. Previous motion to refer to Fire Sub-Committee FAILED.**

APPROVING

96-1904 118. Contract for Purchase, Riverpoint Capitol-Center Development

WITHDRAWN Area, with Jared R. and Elaine E. Johnson, block bounded by Grand, 16th, Locust and 15th, \$1,914,314. (Meredith Office Project) (Council Communication No. 96-215).

96-1905 (a) Preliminary Landscaping Plans for Disposition Parcel Nos. 7A and 7C/Riverpoint Capitol-Center Development Area Urban Renewal Project, (Meredith Office Project). **Moved by Hensley to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1906 (b) Approve, Execute and Deliver Special Warranty Deed for

WITHDRAWN Disposition Parcel No. 7C Riverpoint Capitol-Center Development Area, (Meredith Office Project).

96-1907 119. Waiver of right to claim for Lease Fees for Right-O-Way Transportation and cancellation of Lease Agreement. (Council Communication No. 96-212). **Moved by Vlassis to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

96-1908 120. From Council Member George E. Flagg, regarding Southeast Area Tax Increment/Zoning Study. **Moved by Flagg to receive, file and discuss and refer to Community Development Department for report. Motion Carried 7-0.**

96-1909 121. Request from Council Member Gene Phillips, to discuss stop sign at SE 8th and Diehl. **Moved by Phillips to approve, and refer to City Manager and Legal Department for preparation of proper legislation . Council Member Phillips requests waiver of readings for this ordinance at the May 28 meeting. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

96-1910 122. From Mohamed K. Dabo, Boy Scouts of American, requesting to speak regarding Scouting and crime prevention. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

96-1911 123. From David Elwell, River Bend Association, requesting initiated rezoning of Sixth Avenue between Clark Street and University, from C-2 to C-1, as outlined in the Sixth Avenue Urban Renewal Plan, and requesting waiver of fees. **Moved by Vlassis to receive, file, initiate the rezoning and waiver of fees and refer to the City Plan Commission for processing. Motion Carried 7-0.**

96-1912 124. From Jeanne Lillig, President of Woman's Christian Temperance Union of Iowa, regarding special assessment against 1136 M. L. King Jr. Parkway. **Moved by Flagg to receive, file and grant the request to speak; and delete special assessment in the amount of \$293.65 plus any additional costs against Dist/parcel 03-0 00760-000-000, Schedule No. 1996-44, certificate No. 00-04244. Motion Carried 7-0.**

96-1913 125. From Robert E. Smith, 4730 SW 9th, to speak regarding demolition of property at 1822 Washington. **Moved by McPherson to receive, file and grant the request to speak; proceed with demolition as originally scheduled. Motion Carried 7-0.**

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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.

96-1914 1. Oral request from Council Member Christine Hensley to discuss cemeteries.
SPONSOR: Hensley. **Moved by Hensley to receive, file and discuss. Motion Carried 7-0.**
(Parks Director gave a short presentation regarding Woodland and other City Cemeteries).

A G E N D A

BOARD OF HEALTH

May 20, 1996

96-1915 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:

96-1916 (a) 2020 Capitol (vacant) TITLEHOLDER/LANDLORD: Betty J. Jones. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1917 (b) 1704 Washington (vacant) TITLEHOLDER/LANDLORD: Evelyn B. Cortez. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1918 (c) 1715 - 7th (vacant) TITLEHOLDERS/LANDLORDS: Blair N. and Becky Y. Legg; LEGAL INTEREST HOLDERS: Ronald P. and Barbara A. Youmans. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1919 (d) 6218 SW 10th (vacant) TITLEHOLDER/LANDLORD: Janis K. Rice; LEGAL INTEREST HOLDERS: Naim Madyun dba Speedy Release Bail Bonds, Principal Residential Mortgage, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1920 (e) 1433 - 22nd (vacant) TITLEHOLDER/LANDLORD: Mary Jean Tedrow. **Moved by Vlassis to adopt. Motion Carried 7-0.**

*******CLOSED SESSION*******

96-1921 1. Motion to adjourn as Board of Health and Reconvene as a City Council. **Moved by Vlassis that the Board of Health Adjourn and Reconvene as City Council. Motion Carried 7-0.**

96-1922 2. Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CLOSED SESSION (continued)

96-1923 3. Closed Session to discuss matters of pending litigation.

96-1924 4. Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1925 5. Approving payment to Penny R. Signs, her parents, James R. and Thursday Signs, and attorneys, Robert G. Tully and Charles S. Crook III, in the amount of \$195,000 for damages arising out of an automobile accident on County Line Road on September 29, 1992. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1926 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:22 P.M. Motion Carried 7-0.**