

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 17, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

IOWAMAZING SUMMER READING PROGRAM MONTHS

INVOCATION: Pastor Paul Axness

Luther Memorial Church

96-2117 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, Phillips and Vlassis.**
Absent: McPherson.

96-2118 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2119 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

96-2120 4. Communication from Legal Department regarding June 17, 1996 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-1.**

Setting Date of Hearing

96-2121 5. On recommendation of staff to deny theater and gameroom license renewal applications for Delta Z Inc., Richard Haes, President dba 1536 Theater, 1536 East Grand Avenue (7-1-96). **Moved by Hensley to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "C" Beer Licenses

96-2122 6. Eastown Standard, Inc., James S. Krueger, President dba Eastown Amoco, 2850 East Euclid; Renewal - Expires 6-21-96 (With Sunday Sales) - Application submitted 5-15-96.

Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.

96-2123 7. Southwest 9th Standard, Inc., Jack Tiernan, Jr., President dba SW 9th Standard, 3000 Southwest 9th Street; Renewal - Expires 7-16-96 (With Sunday Sales) - Application submitted 5-30-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Class "E" Beer Licenses

96-2124 8. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Store, 4121 Fleur Drive; Renewal - Expires 6-30-96 (With Sunday Sales) - Application submitted 5-28-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-2125 9. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Store, 6200 Southeast 14th Street; Renewal - Expires 6-30-96 (With Sunday Sales) - Application submitted 5-28-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Class "C" Liquor Licenses

96-2126 10. Babyo's International, Ltd., Richard A. Haes, President dba Babyo's, 2505 Wedgewood; Renewal - Expires 6-18-96 (With Sunday Sales and Beer Garden) - Application submitted 5-14-96. Recommendation of Vice Control Unit to Deny. **Moved by Flagg to deny the license; applicant has not satisfied the requirements of Chapter 5 of the Des Moines Municipal Code nor of Chapter 123 of the Code of Iowa, and the Rules and Regulations thereof. Motion Carried 6-1.**

96-2127 11. Marilyn J. Johns dba CJ'S II, 316 East 30th Street; New Application (With Sunday Sales) - Application submitted 5-30-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-2128 12. D.B. Inc., David L. DeBolt, President dba Club 2000, 2000 Southeast 1st Street; Renewal - Expires 7-1-96 - Application submitted 6-3-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-2129 13. Gorvano's Inc., Dennis Van Gordon, President dba Gorvano's Pizza & Pub, 6305 Southwest 9th Street; New Application submitted 3-18-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-2130 14. Kelley Manning dba Kelley's, 3606 Beaver; Renewal - Expires 7-2-96 (With Sunday Sales) - Application submitted 5-30-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-2131 15. Leo's Lounge, Inc. Judy C. Leo, President dba Leo's Lounge, 1018 East 12th Street; Renewal - Expires 6-24-96 (With Sunday Sales) - Application submitted 5-24-96. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Authorizing

96-2132 16. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-2133 17. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

96-2134 18. Authorizing distribution of Chapter 573 Code of Iowa Claim by Electric Pump and Tool Service, Inc., against Barbarossa & Sons, Inc., (Principal Contractor), Storm Water Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

19. Resolution Ordering Construction of the following:

96-2135 (a) E. 14th Street at Aurora Avenue Intersection Asbestos Removal - IDOT Project, Receiving of Bids, (6-25-96), and Setting Date of Hearing, (7-1-96), (Construction Estimate - \$36,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2136 (b) 1996 Pavement Milling, Receiving of Bids, (6-25-96), and Setting Date of Hearing, (7-1-96), (Construction Estimate - \$45,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2137 (c) Blank Park Zoo Aquatic Animal Facilities Improvements, Receiving of Bids, (7-2-96), and Setting Date of Hearing, (7-15-96), (Construction Estimate - \$12,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2138 (d) Structural Modifications of Stormwater Pump Station Wet Wells, Receiving of Bids, (7-2-96), and Setting Date of Hearing, (7-15-96), (Construction Estimate - \$107,000). (Council Communication No. 96-256). **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-2139 19. (e) 1996 City Wide PCC Pavement Restoration Program, Receiving of Bids, (6-25-96), and Setting Date of Hearing, (7-1-96), (Construction Estimate - \$155,700). (Council Communication No. 96-260). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2140 20. Approving agreement with Veenstra & Kimm, Inc. to perform professional engineering services in connection with the University Storm Water Tunnel Study, compensation not to exceed \$43,292. (Council Communication No. 96-252) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2141 21. Professional Services Agreement with Stanley Consultants, Inc., for the Capitol Park Traffic Safety Plan, compensation of \$30,400. (Council Communication No. 96-254) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2142 22. Supplemental Agreement No. 1 for professional services with Brooks Borg & Skiles for Construction-Phase Services and Special Inspections in conjunction with construction of Skywalk Vertical Access to 8th & Mulberry Parking Garage; compensation not to exceed \$48,429. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2143 23. Approving Private Construction Contract for Paving Improvements in Easter Lake Park Plat No. 4 between Sternquist Construction, Contractors, and George D. Fischer, Owners. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2144 24. Approving contract and bond for Sanitary Sewer Improvements for E. 18th Street Interceptor Relining: South of Maury Street to E. Court Avenue-Lametti & Sons, Inc., V.G. Lametti, President. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2145 25. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Asbestos Removal-Martin Luther King, Jr., Parkway, Pro Environmental Abatement, Inc., \$13,962.15 is now due and \$734.85 the remaining balance to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2146 26. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, (see roll call for list). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2147 27. Approving partial payments on fourteen public improvement projects, (See roll call for list). **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-2148 28. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

96-2149 29. Authorizing Assessment Clerk to correct B.H.N.A.C., Assessment Schedule 1994-46, in the amount of \$6,100.45 charged to 1701 9th Street after property was sold. **Moved by Flag to defer for one week for a report from the City Manager. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-2150 30. Approving reduction of replacement subdivision bond and release of present subdivision bond in the amount of \$33,972 for PARK FOREST PLAT NO 2. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2151 31. Approving subdivision plat for EASTER LAKE ESTATES PLAT 1 located in vicinity of Easter Lake Drive and SE 32nd Street. **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-2152 32. Communication from Eugene White, submitting his resignation from the Woodland Willkie CSTF, effective June 15, 1996. **Moved by Hensley to accept with deep regret and appreciation. Motion Carried 6-1.**

96-2153 33. Appointment of representatives to the Wastewater Reclamation Authority Management Agency, for the term January 1, 1996 to December 1, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BLOCK PARTIES

96-2154 34. Approving deviation from Council policy regarding request from Claudia Wasson, Christ the King Church, to close SW 7th Street from Wall Avenue to Porter Avenue, Saturday, July 20, 1996, from 9:00 A.M. to 9:00 P.M. for a church festival and carnival. **Moved by Hensley to adopt. Motion Carried 6-1.**

BLOCK PARTIES (continued)

96-2155 35. (1) Nancy Haigh, 1723 38th Street, requesting permission to close 38th Street, from Franklin Avenue to Washington Avenue, Sunday, June 23, 1996, from 11:00 A.M. to 5:00 P.M. Rain date: September 22, 1996, Sunday. **Moved by Hensley to adopt. Motion Carried 6-1.**

(2) Betty Septer, 800 E. 24th Street, requesting permission to close Maple Street, from E. 23rd Court to E. 24th Street, Saturday, June 29, 1996, from 2:00 P.M. to 8:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(3) Lynn and Ray Witzenburg, 1809 45th Street, requesting permission to close 45th Street, from Franklin Avenue to College Avenue, Saturday, June 29, 1996, from 3:00 P.M. to 9:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(4) Des Moines Symphony, 221 Walnut Street, requesting permission to close Court Avenue, from E. 7th Street to E. 12th Street, Wednesday, July 3, 1996, from 9:00 P.M. to 11:00 P.M. Rain date July 4, Thursday. **Moved by Hensley to adopt. Motion Carried 6-1.**

(5) Theresa Dowd, 3305 52nd Street, requesting permission to close 52nd Street, from Ovid Avenue to Urbandale Avenue, Saturday, July 6, 1996 from 10:00 A.M. to 4:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(6) Kathleen Richardson, 3917 Maquoketa Drive, requesting permission to close Maquoketa Drive (Boulevard Street), from Forestdale Drive to Germania Drive, Thursday, July 4, 1996, from 10:00 A.M. to 4:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(7) Dan Dusenbery, 2511 Kenway Drive, requesting permission to close Kenway Drive, from Beavercrest Drive to Maryland Pike, Saturday, July 6, 1996, from 4:00 P.M. to 10:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(8) Cheri Baldwin, 614 SW Creston, requesting permission to close Creston Avenue, from SW 7th Street to Dead End, Saturday, July 13, 1996, from 3:00 P.M. to 9:00 P.M. Rain date: July 14, 1996. **Moved by Hensley to adopt. Motion Carried 6-1.**

(9) James Kelley, 1306 46th Street, requesting permission to close 46th Street/1300 block, from Carpenter to Forest Avenue, Saturday, August 3, 1996, from 4:00 P.M. to 9:00 P.M. Rain date: August 4, 1996, Sunday. **Moved by Hensley to adopt. Motion Carried 6-1.**

BLOCK PARTIES (continued)

35. (10) Margaret J. Thomas, 2804 46th Street, requesting permission to close 46th Street, from Beaver Crest to New York Avenue, Sunday, August 18, 1996. from 3:00 to 9:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(11) Judy Sebern-Beachy, 4127 Allison Avenue, requesting permission to close Allison Avenue, from 4205 Allison to 4311 Allison, Sunday, September 15, 1996, from 1:30 P.M. to 6:30 P.M. Rain date: September 22, 1996, Sunday. **Moved by Hensley to adopt. Motion Carried 6-1.**

(12) Reverend H.I. Thomas, 1348 McCormick, requesting permission to close Sampson Street, from 1300 block to Dead End at Dr. King Park, Sunday, June 23, 1996, from 5:00 P.M. to 9:00 P.M. Rain date: June 30, 1996 Sunday. **Moved by Hensley to adopt. Motion Carried 6-1.**

(13) Des Moines Firefighter Local #4, 4034 Hull Avenue, requesting permission to close Court Avenue, from 3rd Street to 2nd Avenue, Saturday, July 27, 1996, from 12:00 P.M. to 6:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(14) Charlene Taylor, 2918 48th Place, requesting permission to close 48th Place from Urbandale Avenue to Snyder Avenue, Saturday June 22 from 5:30 to 11:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

96-2156 36. Regarding request from David Archer, for vacation and conveyance of a portion of Lincoln Place Drive right-of-way west of 1 Lincoln Place Drive. **Moved by Flagg to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

96-2157 37. On Proposed 28E Agreement with Polk County, for transfer of ownership and operation of the Convention Center and Veterans Memorial Auditorium, (6-24-96) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2158 38. On amendment to the Zoning Ordinance regarding regulation of communication towers and antennas, (7-1-96). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2159 39. On conveyance of vacated S.E. 15th Court right-of-way north of Hartford Avenue, to SMRS, Corp., \$4,950, (6-24-96). **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS (continued)

96-2160 40. On vacation and conveyance of alley right-of-way in the vicinity of Indianapolis Avenue and E. 29th Street, to Randall and Kathy Van Gundy-\$25, Karl and Gretchen Ledet-\$25 and Jackie and Karen Fowler-\$25, (6-24-96). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2161 41. On Second Amendment to Lease of portions of right-of-way adjoining Financial Building, 7th and Walnut Streets, to encompass additional building encroachments, (6-24-96).

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

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-2162 42. Authorizing Legal Department to end job sharing of the Assistant City Attorney I position in Litigation Division and recommending that Kerrie Plummer be appointed as full time Assistant City Attorney I, Step 3 at biweekly rate of \$1,661.60 effective July 29, 1996. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2163 43. Approving promotion of Emily Chafa, Assistant City Attorney I to fill vacancy of Assistant City Attorney II, Step 4 at biweekly rate of \$1,870.52 effective June 17, 1996. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2164 44. Approving resolution requiring the reduction of converter rates and refund of all excess charges with interest by TCI Cablevision. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2165 45. Resolution Authorizing Legal Department to file an application with the Polk County District Court Requesting Approval of the Sale of Partitioned Property at 900-26th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2166 46. Approving payment of out-of-pocket expenses incurred for medical treatment during the next three years which are not covered by personal health insurance for Carl Little subject to approval of a Special Case Settlement by Iowa Industrial Commissioner for injury suffered during the course of his employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2167 47. Approving payment in lump sum amount of \$17,232 to Ronald O'Neal and payment of up to \$3,446.40 in educational expenses during the next three years for a workers' compensation claim subject to approval of a Special Case Settlement by Iowa Industrial Commissioner for injury suffered during the course of his employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)

96-2168 48. Approving payment in amount of \$21,521.05 to Jeffrey Kaiser for workers' compensation claim, subject to approval of Special Case Settlement by Iowa Industrial Commissioner for injury suffered during course of his employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2169 49. Approving payment of \$8,000 to Robert C. Munoz and Joseph Renzo, his attorney, for medical bills and property damage arising out of an automobile collision. **Moved by Hensley to adopt. Motion Carried 6-1.**

WITHDRAWN 50. Approving settlement of worker's compensation claim of Richard Townsend.

96-2170 51. Approving payment in amount of \$15,498. to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in providing consultation and legal services on levying of special assessments on public improvement projects payable under Terms of Engagement Letter. (See roll call for list of projects). **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2171 52. Approving payment in amount of \$1,286.24 to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for bond counsel services in conjunction with the \$127,000 Telecommunications Equipment Loan Agreement. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2172 53. Approving payment in amount of \$37.50 to Ahlers, Cooney, Dorweiler, Smith and Allbee, P.C. for Special Counsel in accordance with acquisition of property interests within Riverpoint Capitol-Center Development Area Acquisition Parcels 7A, 7B and 7C (Meredith Office Project). **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2173 54. Approving payment in amount of \$46,008.15 to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for bond counsel services in conjunction with sale of Capital Improvement Budget General Obligation Bonds and General Obligation Refunding bonds. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2174 55. Approving payment in amount of \$1,629.51 to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for bond counsel services in conjunction with the \$1,000,000 Grubb YMCA (Model City Community Center) HUD Section 108 Loan. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2175 56. Approving payment in amount of \$2,107.55 to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for bond counsel services in conjunction with the \$1,000,000 Brooks Community Center (Pioneer-Columbus) HUD Section 108 Loan. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg**

CITY MANAGER COMMUNICATIONS

96-2176 57. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-248) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

96-2177 58. Submitting out-of-state travel requests for Richard Hickie, William E. Wilkins, William W. Davis, and David McDermott, II. (Council Communication No. 96-244) **Moved by**

Hensley to adopt. Motion Carried 6-1.

APPROVING

96-2178 59. Approving Contract No. HEAP-97-07J-96, with the Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low income persons; 1-1-96 thru 4-30-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2179 60. Approving close out of Contract No. DOE 95-07J for weatherization and energy-related activities from April 1, 1995 to March 31, 1996. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2180 61. Approving close out of Contract No. O/C 96-07J for weatherization and energy related activities from September 1, 1995 through April 30, 1996. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2181 62. Form and execution of Lease Agreement with Norwest Investment Services, Inc., \$91,558, to acquire and equip recycling truck. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2182 63. Request from ACCENT neighborhood Association submitting a proposal to hang street banners along University, between East 33rd and I-235; along Easton, between East 33rd and East 27th; and, along East 29th, between Easton and Washington with wording of "ACCENT Neighborhood Association" and a logo. **Moved by Hensley to receive, file and approve the banner locations and design, as submitted. Motion Carried 6-1.**

96-2183 64. Notification from Airport Board, regarding proposed regulation to permit a temporary above ground fuel storage facility at the Airport, effective August 19, 1996. **Moved by Hensley to receive and file. Motion Carried 5-1-1. Pass: Vlassis.**

APPROVING (continued)

96-2184 65. Notification from Airport Board, regarding proposed regulation change for increase in Long Term Parking Rates at the Airport, from \$5 to \$7 for each 24 hour period, effective August 19, 1996. **Moved by Hensley to receive and file. Motion Carried 6-1.**

96-2185 66. Alternative Health Plan Contract for employees subject to collective bargaining, (August 1, 1996 through June 30, 1997),--Principal Health Care of Iowa, (Primary HMO Plan and Open Access Plan), continued from 6-3-96. **Moved by Vlassis to approve. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson. Council Member Hensley declares a conflict of interest, and abstains from voting.**

67. Developer-Initiated Proposal, from Houghton Properties, Parcel 20B-Guthrie Avenue Business Park, 2101 Dixon Street, (Council Communication No. 96-259):

96-2186 (a) Negotiate and execute a License Agreement to conduct grading and site preparation. **Moved by Vlassis to approve. Motion Carried 5-1-1. Nays: Flagg.**

96-2187 (b) Agreement to purchase land for private redevelopment. **Moved by Vlassis to approve. Motion Carried 5-1-1. Nays: Flagg.**

96-2188 (c) Approving evidence of financing and final design plans. **Moved by Vlassis to approve. Motion Carried 5-1-1. Nays: Flagg.**

96-2189 (d) Approve, execute and deliver special warranty deed. **Moved by Vlassis to approve. Motion Carried 5-1-1. Nays: Flagg.**

96-2190 68. Accepting Developer-initiated Redevelopment Proposal from Quality Wine, if no competing proposals are received--Disposition Parcel No. 31A (2001 DeWolf Street), Guthrie Avenue Business Park. **Moved by Vlassis to approve. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2191 (a) Authorizing advertisement for competing Redevelopment Proposals subject to certain requirement and setting date of hearing (7-18-96), on intent to enter into an agreement to purchase land for private redevelopment, with Quality Wine Company. (Council Communication No. 96-258) **Moved by Vlassis to approve. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

APPROVING (continued)

69. Bids for the following:

96-2192 (a) Clarke Mosquito Control Products, (Roselle, Illinois) for mosquito adulticide to be used by the Community Development Department (Environmental Health Division), \$10,840.50 (Thirteen bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2193 (b) Itasca Group, Inc., (Fridley, Minnesota) for intergraph computer equipment to be compatible with existing intergraph computer system to be used by the Engineering Department, \$14,060. (Four bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2194 (c) D.P.C. Industries, Inc., (Omaha, Nebraska, Steve Nathanson, President) for an annual price agreement for one-ton cylinders of liquid sulfur dioxide to be used by the Engineering Department (Wastewater Reclamation Facility), \$360. per cylinder. (Eight bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2195 (d) Swanson Gentleman Hart, Inc., (West Des Moines, IA., Richard F. Hart, Jr., President) for a replacement gymnasium curtain manufactured by Porter Athletic Equipment Co. to fit existing brackets and mounting hardware to be used by the Park and Recreation Department, (Scott Four Mile Community Center), \$10,500. (non-competitive procurement). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2196 (e) 3M Scotchlite Reflective Sheeting to be used by the Traffic & Transportation Department for street sign fabrication - State of Iowa Contract 26586 and 44986 from 3M Company, St. Paul, Minnesota, \$37,550.46. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2197 (f) Johnson Controls, Inc., (Urbandale, IA) for maintenance agreement for HVAC/fire alarms to be used by the Des Moines Convention Center effective July 1, 1996 thru December 31, 1996. (Council Communication No. 96-255) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2198 70. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2199 71. Authorizing Finance Director to draw warrants on register of June 21, 1996, and the bills of the Des Moines Municipal Housing Agency for week beginning June 17, 1996, and the biweekly payroll due employees on June 21, 1996. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-2200 72. 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, (to correct error in legal description). **Moved by Hensley that this ordinance do now pass, #13,346. Motion Carried 6-1.**

96-2201 73. Amending Chapter 15 of the Municipal Code regarding consumption in public parks--intoxication. **Moved by Hensley that this ordinance do now pass, #13,347. Motion Carried 5-1-1. Nays: Vlassis.**

96-2202 74. Amending Chapter 27 of the Municipal Code regarding establishment of a loading zone on the east side of E. Second between Court Avenue and E. Walnut. **Moved by Hensley**

that this ordinance do now pass, #13,348. Motion Carried 6-1.

96-2203 75. Amending Chapter 21 of the Municipal Code regarding Des Moines Metropolitan Wastewater Reclamation Authority, (five year code update). **Moved by Hensley that this ordinance do now pass, #13,349. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-2204 76. Amending Chapter 16 of the Municipal Code regarding references to the Metropolitan Waste Authority and miscellaneous revisions reflecting current practices for collection and disposal of solid waste. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-2205 77. Amending Section 2-1 of the Municipal Code regarding legal description of the city limits; Code update to include annexed property. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

96-2206 78. Amending Chapter 23 of the Municipal Code regarding mobile food vending on City streets and property. (Council Communication No. 96-243) **Moved by Vlassis that this ordinance be considered and given first vote for passage. MOTION FAILED 3-3-1. Yeas: Davis, Daniels, Vlassis. Nays: Phillips, Flagg, Hensley. Absent: McPherson.**

96-2207 (a) Petitions submitted in support of mobile food vending. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

****Council considered Extra Item 2A next****

96-2208 79. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Shorter Corner Clearance on the north side of Woodland Avenue west of 24th Street; No Parking on East side of SE 17th Street from Park to Glenwood; and No parking on the east side of E. 6th Street from E. River Drive to E. University. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and McPherson.**

HEARINGS (Opened at 6:42 P.M.) (Items 80 thru 87)

80. On 1996 Intermediate Paving Program No. 1:

96-2209 (a) Resolution of necessity. **Moved by Vlassis to adopt. Defer the following one week to 6-24-96: Lincoln Avenue, Ovid Avenue. Delete: Shawnee Avenue, 28th Street. All others approved.**

ADOPT (b) Broad Street from 23.8 feet west of SW 7th to 7.6 feet east of SW 5th.

ADOPT (c) Jefferson Avenue from 34th Street to 36th Street.

DEFER (d) Lincoln Avenue from Merklin Way to Merle Hay Road.

96-2210 (1) Communication and petition in objection.

DEFER (e) Ovid Avenue from 54th to 56th.

DELETE (f) Shawnee Avenue from 6th Avenue to 11th Street.

96-2211 (1) Communications in objection.

HEARINGS (continued)

DELETE 80. (g) 28th Street from 527.5 feet west of 27th Street at Witmer Street, to 527.5 feet west of 27th Street at Moyer

96-2212 (1) Petition in objection.

ADOPT (h) 48th Street from Urbandale to 24' north of Beavercrest Drive.

96-2213 (i) Approving proposed plans, specifications, and estimate of cost. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2214 81. On Proposal from Mid-City Duplexes, L.P. (ANAWIM), for the purchase and Redevelopment of properties at 1122 and 1130 Ninth Street. (Council Communication No. 96-257) **Moved by Daniels to approve. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

82. On 63rd Street and University Avenue Widening and Signalization, IDOT Project:

96-2215 (a) Approving plans, specifications, form of contract documents and Engineer's Estimate of Costs. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2216 (b) Submission of bids, and designating lowest responsible bidder as Corell Contractor, (Steve Corell, Pres, 1805 Euclid) \$2,750,133.80. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2217 (c) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2218 83. On Martin Luther King Jr. Parkway Demolition Contract No. 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Metro Wrecking & Excavating Inc, (Kurt Pagliai, Owner, 5782 NW 2nd Ave.), \$53,784. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2219 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2220 84. On Franklin Avenue Sanitary Sewer Repair at Ohio Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Co. Ltd., (Duane Burkhardt, Pres., 2407 SW 9th), \$50,425. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-2221 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

HEARINGS (continued)

96-2222 85. On vacation of E. 18th Street right-of-way, in vicinity of Guthrie and Thompson Avenues. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-2223 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-2224 86. On vacation of portions of the Thompson Avenue right-of-way in vicinity of DeWolf Street, (Guthrie Avenue Business Park). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-2225 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

96-2226 87. (a) On Sale of excess City Property at 821 and 819 SE Ninth Street, Capitol View South Neighborhood, to Barnes Realty, L.C. dba Windsboro Builders. **Moved by Vlassis to approve. Motion Carried 6-1.**

96-2227 (b) 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. (Council Communication No. 96-245) **Moved by Vlassis to approve. Motion Carried 6-1.**

* * END HEARINGS at 7:00 P.M. * *

APPROVING

96-2228 88. EPA Grant Application to implement Water Quality Cooperative Agreement, for study of mercury toxicity in Des Moines River Watershed. (Council Communication No. 96-253) **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2229 89. One-year extension of Voluntary Land Acquisition Program, for Iowa Air National Guard (IANG) Expansion. (Council Communication No. 96-249) **Moved by Flagg to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

96-2230 90. Resolution approving Amendment to Guidelines for the Disposition of eleven "excess property" Residential Vacant Lots owned by the City. (Council Communication No. 96-246) **Moved by Flagg to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

APPROVING (continued)

96-2231 91. Approving 28E Agreement between City of Des Moines, Polk County, and the Fifth Judicial District to purchase video equipment for the Des Moines Police Department's temporary

holding facility and Polk County Jail. (Council Communication No. 96-251) **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2232 92. Contract with KPMG Peat Marwick LLP to perform auditing services for fiscal year ending June 30, 1996 for a fee not to exceed \$70,000. (Council Communication No. 96-247) **Moved by Phillips to adopt. Motion Carried 5-1-1. Pass: Flagg.**

93. The following personnel items, (Council Communication No. 96-242):

96-2233 (a) Modified job specifications for Police Officer. **Moved by Phillips to adopt. Motion Carried 5-1-1. Pass: Flagg.**

96-2234 (b) Modified job specifications and title change for Safety and Training Technician to Loss Control Specialist. (SPM, Range 24). **Moved by Phillips to adopt. Motion Carried 5-1-1. Pass: Flagg.**

COMMUNICATIONS/REPORTS

96-2235 94. Petition from residents requesting paving on College Avenue from 30th Street to 31st Street. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer. Motion Carried 6-1.**

96-2236 95. Communication from City Manager regarding Mutual Aid Fire Agreements. **Moved by Flagg to receive and file; refer to Fire Sum-Committee and the City Manager for review and recommendation. Motion Carried 6-1.**

* * * * *

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.

96-2237 1. Intergovernmental 28E Agreement with Pleasant Hill and Windsor Heights, for certain animal control services to be provided by Des Moines. (Council Communication No. 96-250) **Moved by Hensley to adopt. Motion Carried 4-2-1. Pass: Flagg and Vlassis.**

2. Request from Council Member George E. Flagg, to discuss the following:

96-2238 (a) Sales tax and money to be received by the Des Moines Independent School District, as a result of State action. **Moved by Flagg to receive, file and discuss. Motion Carried 6-1.**

96-2239 (b) Fleur Drive Pavement. **Moved by Flagg to receive, file, discuss, and refer to City Manager for a report. Motion Carried 6-1.**

96-2240 3. Request from MidAmerican Energy Company for Underground Electric Line Easement, property in vicinity of Washington Avenue and 11th Street, John R. Grubb YMCA. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

June 17, 1996

96-2241 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following location(s):

96-2242 (a) 2310 Logan (vacant) TITLEHOLDER/LANDLORD: Abraham E. Lloyd, Jr. (DECEASED), Joy Lloyd. (continued from 6-3-96). **Moved by Vlassis to adopt. Motion**

Carried 5-1. Council Member Flagg declares a conflict of interest, and abstains from voting.

96-2243 (b) 1420 Maple (vacant) TITLEHOLDER(S)/LANDLORD(S): Alfred Veasley, Jr., Marquis Veasley, Duhvall Veasley, Kervin Veasley. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2244 (c) 3540 E. University (vacant) TITLEHOLDER(S)/ LANDLORD(S): Joseph E. and Patricia Knight, d/b/a Knight Painters, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2245 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:30 P.M. Motion Carried 6-1.**