

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**September 3, 1996 4:30 P.M. (Tuesday)**

**INVOCATION:** Fr. Peter Cade

Greek Orthodox Church of St. George

96-3039 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips.**  
**Absent: Vlassis.**

96-3040 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3041 3. APPROVING CONSENT AGENDA: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 6-1.**

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

**LICENSES AND PERMITS**

96-3042 4. Communication from Legal Department regarding September 3, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

**LICENSES AND PERMITS (continued):**

96-3043 5. Class "C" Liquor License for D.K.D.D., Inc., Thomas Nelson, president, dba Southside Johnnies, f/k/a Cocktails, 3211 Indianola Road; Renewal - Expired 7-24-96 - Application submitted 6-24-96. (Continued from 8-26-96 Council Meeting). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3044 6. Class "C" Beer License for Thai Market, Inc., Athorn Rongkavilit, President dba Thai Market, 411 East Grand; Renewal - Expired 8-8-96 (With Sunday Sales) - Application submitted 7-9-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

#### Class "C" Liquor Licenses

96-3045 7. Apple South, Inc., Thomas Earl Dupree, Jr., Chairman dba Applebee's Neighborhood Grille & Bar, 3900 Merle Hay Road; Renewal - Expires 9-17-96 (With Sunday Sales) - Application submitted 8-14-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3045 8. Chi-Chi's, Inc., Roger K. Chamness, President dba Chi-Chi's Mexican Restaurant, 1201 East Army Post Road; Renewal - Expires 9-17-96 (With Sunday Sales) - Application submitted 7-22-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3046 9. B & B recreation, Inc., Brian Borowski, President dba Classic Lanes, Streyker's Lounge, Spiker's Court, 3200 Delaware Avenue; Renewal - Expires 9-14-96 (With Sunday Sales and Beer Garden) - Application submitted 8-7-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3047 10. Court Avenue Brewing Co., LLC, Rod Henning, President dba Court Avenue Brewing Co., 309 Court Avenue; New Application (With Sunday Sales) - Application submitted 8-2-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

#### Authorizing

96-3048 11. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

#### Beer Gardens

96-3049 12. Approving permanent beer garden to run concurrently with regular Class "C" Liquor License for F.L. & H., Inc., Frank Mauro, President dba Spectator's Sports Bar & Grill, 508 Clifton; Application submitted 8-22-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

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

#### Transfers

96-3050 13. Approving temporary transfer of Class "B" Beer License for S.A.O.C.C., Inc., Helen Little, Secretary, dba The Depot, Iowa State Fairgrounds, 3000 East 30th Street to Varied Industries Building, Iowa State Fairgrounds for one day event on September 21, 1996. Application submitted 8-22-96. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

## Name Change

96-3051 14. Communication from Hazel Jones advising of name change for Class "C" Liquor License establishment from Sid's Corral to Hazel's Blue Sky, 3940 Dixon Street. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

## PUBLIC IMPROVEMENTS

96-3053 15. Resolution ordering construction of East-Side Interceptor Phase 2 - Relining, (1st Street and Sheridan Avenue to 7th Street and Corning Avenue), Receiving of Bids, (9-17-96), and Setting Date of Hearing, (9-23-96), (Construction Estimate - \$1,125,200). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3054 16. Approving Official Financial Report for City Streets and Parking, fiscal year 1995/1996, to be submitted to Iowa Department of Transportation (IDOT) for continued eligibility for Road Use Tax Allotments, \$12,899,597.08 (on file in Clerk's Office). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3055 17. Approving Engineering Services Agreement with Snyder & Associates, Inc., for design and construction inspection services for Downtown Signal System, amount not to exceed \$491,532. (Council Communication No. 96-378). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3056 18-I License Agreement with Clarke Companies, for Blank Park Development Area, which permits the Developer to commence construction of street improvements, for Somerset II Subdivision at SE 3rd/SE 5th Street and Army Post Road (Clarke Company, Ltd., Owners). **Moved by Phillips to adopt. Motion Carried 5-1-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

## PUBLIC IMPROVEMENTS (continued)

96-3057 18. (A) Sanitary Sewer Improvements - McAninch Corporation, Contractors. **Moved by Phillips to adopt. Motion Carried 5-1-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3058 (B) Storm Sewer Improvements - McAninch Corporation, Contractors **Moved by Phillips to adopt. Motion Carried 5-1-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3059 (C) Paving Improvements - Sternquist Construction, Inc., Contractors **Moved by Phillips to adopt. Motion Carried 5-1-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3060 19. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3061 20. Approving Partial Payments on four public improvement projects (see roll call for list). **Moved by McPherson to adopt. Motion Carried 6-1.**

### **SPECIAL ASSESSMENTS**

96-3062 21. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of August, 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3063 22. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for August, 1996. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3064 23. Request from Craig S. Shannon, attorney for Grace M. Carter for continuation of Agricultural Deferment for special assessments for the Evergreen Avenue Paving. **Moved by Phillips to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of this resolution to Polk County. Motion Carried 6-1.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

96-3065 24. Nomination recommendation of Council Member Mike McPherson, (Ward II) for the reappointment of Fran Koontz to the City Plan Commission for five-year term to expire July 2, 2001. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **BLOCK PARTIES**

96-3066 25. (1) Bruce Butler, 2420 Beaver Avenue, requesting permission to close Fagen Drive, from Brenton Bank to Beaver Avenue on Saturday, September 14, 1996 from Noon to 5:00 P.M. **Moved by McPherson to adopt. Motion Carried 6-1.**

(2) Mark Burnham, 930 37th Street, requesting permission to close 37th Street, from Crocker Street to School Street, on Saturday, September 14, 1996 from 2:00 P.M. to 8:00 P.M. **Moved by McPherson to adopt. Motion Carried 6-1.**

(3) John C. Auer, 5707 Kingman Avenue, requesting permission to close Kingman Avenue, from 57th Street to 58th Street, on Sunday, September 15, 1996 from 5:00 P.M. to 8:00 P.M. **Moved by McPherson to adopt. Motion Carried 6-1.**

(4) Ray Porter, 5410 SW 17th, requesting permission to close SW 17th from Porter to Kenyon, Saturday September 8, from Noon to 5:00 P.M. Raindate- September 15. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **SETTING DATE OF HEARINGS**

96-3067 26. On application from William Flannery, City Aviation Department, to rezone property in the vicinity of Fleur Drive and SW 46th Street, from Wolcott to just north of Littell, from an "R1-80" (One Family Residential District classification), to an "M-3" (Limited Industrial District), and to rezone airport property north of relocated Watrous from "M-3" to an "R1-80", (9-16-96). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3068 (A) Communication from Airport Board Chair, in support of rezoning Airport property. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

96-3069 27. Approving payment of settlement of \$48,500 to Mildred B. Wharff for injuries sustained arising out of an automobile accident on December 21, 1994. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **APPROVING**

96-3070 28. Resolution accepting Developer-Initiated Redevelopment Proposal from JRM Realty, Inc. to Redevelop 1601 Ohio Street in the Central Place Industrial Park Urban Renewal Ares, Setting Date of Public Hearing (10-12-96), on Intent to accept said proposal and Authorizing Notice of Intent to enter into and Agreement to Purchase Land for Private Redevelopment. **Moved by McPherson to approve. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3071 (A) Resolution Authorizing Advertisement for Competing Redevelopment Proposals Subject to Certain Requirements and Setting Date of Public Hearing, (10-12-96). **Moved by McPherson to approve. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

29. NUMBER NOT USED.

96-3072 30. Bid for radio communications equipment to be used by the Public Works (Communications Division) - from Motorola Communications and Engineering, Inc. from State of Iowa contract 1199 at a total cost of \$45,084 (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3073 31. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3074 32. Authorizing Finance Director to draw warrants on registers of September 6, 1996 and September 13, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning September 9, 1996 and the biweekly payroll due employees on September 13, 1996. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### **ORDINANCES - FINAL CONSIDERATION**

96-3075 33. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: extension of corner clearance on the West side of E. 23rd Street east of University; request for corner clearance on the East side of 51st Street south of Aurora, and on the East side of SW 14th Street south of Creston, and the East side of Casady Drive north of Creston; and increase in handicapped parking fine to \$100. **Moved by McPherson that this ordinance do now pass. #13,369. Motion Carried 6-1.**

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

96-3076 34. On application to rezone property at 1335 NE 50th Avenue, (Zook's Harley Davidson), from "A-1" (Agricultural District) to a "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson that this ordinance do now pass, #13,370. Motion Carried 6-1.**

96-3077 35. Repealing ordinance No. 13,351, regarding vacation of property in the vicinity of Thompson and DeWolf, (contained an ambiguity in the legal description). **Moved by McPherson that this ordinance do now pass, #13,371. Motion Carried 6-1.**

96-3078 36. On proposed vacation of a portion of the E. 19th Street right-of-way north of Thompson, in the Guthrie Avenue Business Park, (sale to Quality Wine). **Moved by McPherson that this ordinance do now pass, #13,372. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

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

96-3079 37. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Requests for corner clearances on the east side of E. 38th Street south of E. Sheridan, and on the north side of Filmore Street east of Penn; traffic regulation changes due to recent construction on Dean Avenue and on Lawnwoods Drive; request to reverse parking restriction from the east side of SW 3rd between Kenyon and Porter to the west side. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-3080 38. Amendment to Chapter 2A-Zoning Ordinance, regarding permitted location of communication towers and antennas. **Moved by Hensley that this ordinance be considered and given second vote for passage.**

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

**\*\*Council considered Item 47 next; then Items 39 thru 41\*\***

### **ORDINANCES - FIRST CONSIDERATION**

96-3081 39. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes at the following locations: corner clearance on the North side of Elizabeth Avenue west of Searle Street, East side of Fortieth Place north of Hickman Road, and north side of East Madison Avenue east of North Union Street. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

96-3082 40. Amending Chapter 8 of the Municipal Code , changing term limits of Building Code Board of Appeals, from two to four years. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-3083 (A) Final consideration of ordinance above, (waiver requested by City Council), requires 6 votes. **Moved by Phillips that this ordinance do now pass, that this ordinance do now pass, #13,373. Motion Carried 6-1.**

96-3084 41. Amending Chapter 7 of the Municipal Code regarding, dog and cat licensing, vicious animal licensing, and miscellaneous code updates. (Council Communication No. 96-372). **Moved by Daniels that this ordinance be considered and given first vote for passage.**

**\*\*Council considered Items 47 thru 55 next\*\***

### **INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 42)**

96-3085 42. To solicit Public Input regarding Capital Improvements Program for 1996-97/2001-02. **Moved by McPherson to receive, file and refer to City Plan Commission and Neighborhood Advisory Board, for review and comment. Motion Carried 6-1.**

\* \* END INFORMAL HEARINGS at 5:45 P.M. \* \*

### **HEARINGS (Opened at 5:45 P.M.) (Items 43 thru 46)**

96-3086 43. On amendment to the Des Moines Zoning Ordinance, regarding sign regulation in the "C-3" Central Business District Commercial District, to permit larger wall sign on buildings which front onto Court Avenue, west of the Des Moines River. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3087 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-3088 (B) Final consideration of ordinance above, (waiver requested by Court Avenue Association), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances which have been published, or summaries of which have been published, prior to consideration must be voted upon at one meeting for passage by the City Council prior to the meeting at which it is to be finally passed be suspended, that the first consideration be waived, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,374. Motion Carried 6-1.**

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

96-3089 44. On vacation and conveyance of the north/south right-of-way between SW Second and SW Third Streets, and between Rose and Watrous Avenues, to abutting property owners. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-3090 (A) First consideration of ordinance above, (pre-published requires two readings). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-3091 45. On proposed amendments to the Municipal Code to establish a procedure for acting upon requests for "reasonable accommodation" under the 1988 Amendments to the Fair Housing Act; on proposed amendments to the zoning regulations regarding the permitted location of supervised group residences, family homes, elder family homes and elder group homes; and on proposed amendment to the City's Comprehensive Housing Plan to adopt a policy of de-institutionalization of housing for persons with disabilities. **Moved by Hensley to continue the hearing to 9-16-96 at 5:30 P.M. Staff to address the various issues raised including the County's role, community wide. Motion Carried 6-1.**

96-3092 (A) First consideration of ordinance adopting procedure for acting upon requests for reasonable accommodation. **Moved by Hensley to continue to 9-16-96. Motion Carried 6-1.**

96-3093 (B) Resolution adopting list of Factors to be Considered in ruling upon an application for reasonable accommodation. **Moved by Hensley to continue to 9-16-96. Motion Carried 6-1.**

96-3094 (C) First consideration of ordinance amending the zoning regulation regarding the permitted location of supervised group residences, family homes, elder family homes and elder group homes. **Moved by Hensley to continue to 9-16-96. Motion Carried 6-1.**

96-3095 (D) Resolution referring amendment to the City's Comprehensive Housing Plan, to the Plan and Zoning Commission. **Moved by Hensley to continue to 9-16-96. Motion Carried 6-1.**

96-3096 46. On condemnation of trees located on various properties (See attached list) infested with Dutch Elm Disease or infected with Oak Wilt. **Moved by Hensley to adopt. Motion Carried 6-1.**

\* \* END HEARINGS at 6:29 P.M. \* \*

**\*\*Council considered Item 56 thru end of agenda next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

96-3097 47. Submitting status reports on departmental reorganization and downsizing. **Moved by Hensley to receive and file. Motion Carried 6-1.**

#### **APPROVING**

96-3098 48. Contract with Visionary Systems Ltd. for construction and

**WITHDRAWN** updates of a City of Des Moines internet web site, \$4,230 for development, \$400 per month for updates, and \$240 every six month for server space rental. (Council Communication No. 96-380)

49. Agreement with Iowa Department of Transportation for the following projects:

96-3099 (A) E. University Avenue Beautification Project, (adjacent to Iowa State Fairgrounds) estimated amount of \$455,000 - \$249,035 ISTEPA Enhancement Funds and \$205,965 CDBG Funds.(Council Communication No. 96-373). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3100 (B) East Side Traffic Signal Interconnect Project, estimated amount of \$630,000 - \$464,000 Iowa DOT Funds and \$166,000 G.O. Bonds. (Council Communication No. 96-374) **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3101 50. COPS Universal Hiring Program Grant Application, to be used for hiring ten (10) new police officers, amount of \$1,390,180 - \$750,000 Federal match and \$640,180 City's share. (Council Communication No. 96-376). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3102 51. Facility Use Agreement "Tree Climbing Techniques Workshop" with Iowa Arborist Association; Greenwood Park, 45th and Grand. (Council Communication No. 96-377). **Moved by Daniels to adopt. Motion Carried 6-1.**

96-3103 52. Use of City Hall Parking Lot on Friday evening, October 4, 1996 for parking of Motor-Ioway 1000 Tour Vehicles in conjunction with Iowa's Sesquicentennial Celebration. (Council Communication No. 96-370). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **APPROVING (continued)**

96-3104 53. Modified job specifications for Park Construction Technician.(Council Communication No. 96-371). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3105 54. Cooperative Agreement with the City, Airport Board and Iowa Department of Transportation, setting out responsibilities of parties for acquisition of necessary right-of-way for relocation of Army Post Road and Iowa Highway 28, to accommodate extension of runway 5-23. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3106 55. Agreement with West Des Moines State Bank (West Bank) for dispersal of Federal Home Loan Bank Affordable Housing Program Grant in the amount of \$400,000 to be used in conjunction with Emergency Repair Loan Program, Improvement Loan Program and Neighborhood Infill Housing Program. (Council Communication No. 96-375). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Hearing Items 42 thru 46 next\*\***

96-3107 56. Resolution to approve City Loan, for Raccoon River Brewing Company, 200-10th Street, \$200,000. (Council Communication No. 96-379). **Moved by Hensley to approve. Motion Carried 6-1.**

## **COUNCIL REQUESTS**

96-3108 57. Request from Council Member Preston Daniels to discuss Des Moines Police Department's band ("Legal Limit") performing at various high schools throughout our community. **Moved by Daniels to discuss and refer to City Manager to analyze. Motion Carried 6-1.**

## **COMMUNICATIONS/REPORTS**

96-3109 58. Request from Juanita Camp to speak regarding Animal Control Ordinances and Breeders' Permits. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Daniels and Vlassis.**

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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.**

96-3110 1. Report of Civil Service Commission submitting Entrance list for Traffic Facilities Administrator. SPONSOR: Phillips. **Moved by Hensley to receive and file. Motion Carried 4-2-1. Nays: Flagg and McPherson. Absent: Vlassis.**

96-3111 (A) Report of Civil Service Commission submitting Civil Service list for Fire Chief. SPONSOR: Phillips **Moved by Hensley to receive and file. Motion Carried 4-2-1. Nays: Flagg and McPherson. Absent: Vlassis.**

96-3112 2. Terms of Agreement for amending the Development Agreement for the Airport Business Park, with ABC Partners. SPONSOR: Mayor Davis. (Council Communication No. 96-382) **Moved by Hensley to approve. Motion Carried 6-1.**

96-3113 3. Approving "Federal Equitable Sharing Agreement and Annual Certification Report", regarding compliance with federal forfeiture guidelines for equitable sharing of forfeited property. SPONSOR: Hensley (Council Communication No. 96-384). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-3114 4. Addendum to Project Agreement with Iowa DOT, for Army Post Road and South Union intersection improvements. SPONSOR: Phillips. (Council Communication No. 96-385). **Moved by Phillips to adopt. Motion Carried 6-1.**

5. Approving recommendation of Mayor Davis for appointment of the following:

96-3115 (A) Christine Hensley, to the Des Moines Art Center Board of Trustees, two-year term to expire June 17, 1997. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3116 (B) Christine Hensley, to the Civic Center of Greater Des Moines Board of Trustees, two-year term to expire June 1, 1997. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3117 (C) Katherine Schwennsen, to the Architectural Advisory Committee, three-year term to expire February 15, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3118 (D) Gary Lozano, to the Neighborhood Finance Corporation, three-year term to expire June 30, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

## A G E N D A

### BOARD OF HEALTH

September 3, 1996

96-3119 MOTION TO CONVENE. **Moved by Phillips that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

### COMMUNICATION

96-3120 1. Communication regarding demolition cost reserve escrowed for 811 Filmore Street. **Moved by Phillips to receive, and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

### AUTHORIZING

96-3121 2. Court authority to abate the public nuisance at 5914 Tonka (vacant)  
TITLEHOLDER(S): Kenneth E. Crispin - DECEASED, and Janice K. Crispin - DECEASED;  
HEIR(S)/ LANDLORD(S): Cindy Tonelli, Co-Administrator of Janice Crispin Estate, Chris Allen Crispin, Co-Administrator of Janice Crispin Estate, and Kenneth Crispin, Co-Administrator of Janice Crispin Estate; LEGAL INTEREST HOLDER(S): City of Des Moines, Iowa, Community Development Department, ATTN: Jim Fox, HCS Administrator, and Tax 30, ATTN: John Zajicek, General Partner. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-3122 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 7:25 P.M. Motion Carried 6-1.**