

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 23, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (A) Alpha Delta Kappa Month
- (B) Columbus Day and Italian Heritage Month
- (C) Lupus Awareness Month
- (D) White Cane Safety Day - Blind National Federation of Iowa
- (E) Constitution Week--Daughters of the American Revolution
- (F) Women's Week

INVOCATION: Pastor Duane Gibson

First Baptist Church

96-3259 1. ROLL CALL: **Present: Davis, Daniels, Hensley, McPherson, Phillips and Vlassis. Absent: Flagg.**

96-3260 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3261 3. APPROVING CONSENT AGENDA - items 3 through 63: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

96-3262 4. Communication from Legal Department regarding September 23, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-3263 5. Fall Foods, Inc., J.M. Harding Ragan, President dba Godfather's Pizza, 4119 University; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3264 6. Fall Foods, Inc., J.M. Harding Ragan, President dba Godfather's Pizza, 3022 Southeast 14th Street; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3265 7. Happy Joe's Pizza & Ice Cream Parlor, Inc., Larry J. Whitty, President dba Happy Joe's, 1402 East McKinley; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-19-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3266 8. Happy Joe's Pizza & Ice Cream Parlor, Inc., Larry J. Whitty, President dba Happy Joe's, 1313 East Euclid; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-19-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3267 9. Long John Silver's, Inc., John M. Cranor, III, President dba Long John Silver's, 3514 East 14th Street; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-23-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3268 10. Long John Silver's, Inc., John M. Cranor, III, President dba Long John Silver's, 4500 Fleur Drive; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 8-23-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

96-3269 11. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #538, 1930 Indianola Road; Renewal - Expires 10-2-96 (With Sunday Sales) - Application submitted 8-29-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3270 12. Kulwinder Singh dba One Stop Food Mart, 1800 Southeast 14th Street; Renewal - Expires 10-7-96 (With Sunday Sales) - Application submitted 8-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3271 13. Ronald Nelson dba Plaza Suite General Store, 300 Walnut #245; Renewal - Expires 10-13-96 - Application submitted 9-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3272 14. Singh Food Market Inc., Amrik Singh, President dba Singh Citgo, 4600 Fleur Drive; Renewal - Expires 10-3-96 (With Sunday Sales) - Application submitted 9-9-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "E" Beer Licenses

96-3273 15. American Drug Stores, Inc., Richard L. Davis, General Manager dba Osco Drug #532, 3151 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 8-19-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "B" Liquor Licenses

96-3274 16. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 East Locust; Renewal - Expires 9-26-96 (With Sunday Sales and Beer Garden) - Application submitted 8-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3275 17. Marriott Hotel Services, Inc., Todd Clist, President dba Des

WITHDRAWN Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 7-22-96.

Class "C" Liquor Licenses

96-3276 18. Shooter's Inc., Julie A. Haes, President dba Changes, 2515 Wedgewood; Renewal - Expires 9-30-96 (With Sunday Sales and Beer Garden) - Application submitted 8-16-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3277 19. Donald J. Quinn dba Helen & Pat's, 209 Euclid; Renewal - Expires 10-1-96 - Application submitted 8-29-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3278 20. Purple Cow Players, Charles Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-96 (With Sunday Sales) - Application submitted 9-4-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3279 21. Des Moines Chapter Izaak Walton League, Tom Stevens, President dba Izaak Walton League, 4343 Valley Drive; Renewal - Expires 9-28-96 (With Sunday Sales and Beer Garden) - Application submitted 8-12-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3280 22. EFN, Inc., Rollin E. Nipper, President dba Kelly's Little Nipper, 1701 East Grand; Renewal - Expires 9-26-96 (With Sunday Sales and Beer Garden) - Application submitted 8-16-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3281 23. Olson Recreation Inc., Donald O. Olson, President dba Merle Hay Lanes, 3800 Merle Hay Road; Renewal - Expires 9-28-96 (With Sunday Sales) - Application submitted 8-27-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-3282 24. Cy Corp., Inc., Si L. Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 9-4-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3283 25. Trittoria Foods, Inc., Alyce K. Mattis, President dba The Trattoria, 207 4th Street; Renewal - Expires 10-6-96 - Application submitted 9-6-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Class "E" Liquor Licenses

96-3284 26. Drake Liquor Store, Ltd., Robert Braune, President dba Drake Liquor Store, 2106 Forest; Renewal - Expires 10-1-96 - Application submitted 9-4-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

96-3285 27. Marriott Hotel Services, Inc., Todd Clist, President dba Des

WITHDRAWN Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-96 - Application submitted 7-22-96.

96-3286 28. American Drug Stores, Inc., Richard L. Davis, General Manager dba Osco Drug #532, 3151 Southeast 14th Street; New Application submitted 8-19-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Authorizing

96-3287 29. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

96-3288 30. Approving Supplemental Agreement No. 14 for Professional Services with Rust Environment & Infrastructure Inc., to amend Scope of Services and Completion Date in conjunction with Martin Luther King Jr. Parkway in amount of \$82,000 from previously-approved contract contingency funds. (Council Communication No. 96-405). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3289 31. Approving Change Order No. 5 with Neumann Bros., Inc., for additional work in conjunction with John R. Grubb Community YMCA contract, amount not to exceed \$51,326.31.(Council Communication No. 96-408) **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

PUBLIC IMPROVEMENTS (continued)

96-3290 32. Approving Iowa Department of Transportation Project Agreement, for Construction of Curb Ramps Project, (Sidewalk Ramps at Intersections along Primary Road Extensions) total amount \$130,000 - \$60,000 Iowa Department of Transportation, \$70,000 City of Des Moines. (Council Communication No. 96-409) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3291 33. Approving partial payments on five public improvement projects, (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3292 34. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

96-3293 35. Resolution Levying Assessments for costs of Nuisance Abatement Contract (NAC-1996) City Crew Sidewalk Repair Schedule No. 1997-3970., and providing for payment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-3294 36. Quit Claim Deed, in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), from Polk County, 416 SE 9th Street - \$0. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3295 37. Quit Claim Deed, in conjunction with Merle Hay Road and Meredith Drive Intersection Improvement, from Polk County Board of Supervisors, for property in the vicinity of Merle Hay Road and Meredith Drive Intersection - \$0. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3296 38. Approving Right-of-Way Services Agreement, with Graham Land Acquisition Associates, Inc., to provide right-of-way acquisition services for the Iowa 163 (East University Avenue) and Williams Street Intersection Improvement Project. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3297 39. Backslope and Property Adjustment Easement and Release, in conjunction with Pavement Widening and Signalization at Martin Luther King, Jr. Parkway and Urbandale Avenue, from Marshall Garrison d/b/a Economy Cleaners, 3200 Martin Luther King, Jr. Parkway - \$2,705. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS (continued)

96-3298 40. Temporary Easement for Construction and Warranty Deed, in conjunction with Channel Excavation-7th Ward Ditch, North of East Hull Avenue Basin, from Ryder Truck Rental, Inc., 3000 Delaware Avenue - \$922. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-3299 41. Nomination recommendation from At Large Council Member Preston Daniels for reappointment of Nancy Stegeman to the Citizen Odor Board for a three-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3300 42. Recommendation of Council Member George E. Flagg for the appointment of Bennett A. Webster to the Historic District Commission, to fill the unexpired term of Guy Cook to expire March 28, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BLOCK PARTIES

96-3301 43. Grand View College, 1200 Grandview Avenue, requesting permission to close Grandview Avenue, from E. 9th Street to E. 13th Street, on Thursday, September 26, 1996 from 7:30 A.M. to 2:30 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

44. On General Obligation Bonds for the following, (Council Communication No. 96-422), (10-21-96):

96-3302 (A) \$40,000,000 Essential Corporate Purpose, for refunding bonds Series 1987, 1990C and 1991A. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3303 (B) \$13,250,000 Essential Corporate Purpose, for projects included in the 1997-97 Capital Improvements Budget. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3304 (C) \$995,000 General Corporate Purpose, for reconstruction improvements and equipping of various City facilities. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3305 (D) \$975,000 General Corporate Purpose, for reconstruction, improvement and equipping of City Buildings and facilities. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3306 (E) \$1,000,000 General Corporate Purpose, for equipping and expanding City's information, data management and communications systems. **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS (continued)

96-3307 45. On conveyance of east/west alley right-of-way in the vicinity of 2815 E. Washington, to Ramona Faulkner, \$25 plus costs, (10-7-96). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3308 46. On proposed 1997 Consolidated Plan,--planning and submission process for Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Emergency Shelter Grant (ESG) Funds, (11-4-96). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-3309 47. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-1.**

96-3310 48. Approving payment in amount of \$1,902.15 to Austin, Gaudineer, Austin, Salmons and Swanson for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al. **Moved by Vlassis to approve payment. Motion Carried 6-1.**

96-3311 49. Approving payment in amount of \$12,007.97 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of the City in two lawsuits entitled Keystone Electrical Manufacturing Co. v. City of Des Moines, and Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts, Co., Inc. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

96-3312 50. Submitting out-of-state travel request for Tom Trimble and John LePorte. (Council Communication No. 96-418) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3313 51. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-415) **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

96-3314 (A) Approving 25 miles per hour speed limits in established school districts with variable display school speed limit signs and beacons. (Council Communication No. 96-421) **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

96-3315 52. Resolution to authorize and approve amendment to Loan Agreement and Promissory Note with The Competitive Edge, Inc. and Greenspon Property Management, Inc., increasing interest rate and changing maturity date. (Council Communication No. 96-412) **Moved by Vlassis to approve. Motion Carried 6-1.**

96-3316 53. Approving Amendment Two to the Building Repair/Daycare Enhancement Project which would extend the contract period from May 31, 1996 to December 31, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3317 54. Use of various City facilities as poll sites for precincts 31, 36, 60, 64, and 82, for Presidential Election to be held Tuesday, November 5, 1996. **Moved by Vlassis to approve. Motion Carried 6-1.**

96-3318 55. Communication from Iowa Department of Transportation submitting transcript of Public Hearing held July 30, 1996, regarding proposed relocation of Iowa 5 between SW 9th Street and U.S. 65/69. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-3319 56. City Manager's Financial Report for July, 1996, (on file in Clerk's Office). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-3320 57. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 6-1.**

58. Bids for the following:

96-3321 (A) Computerland, (611 East Second Street, Wayne Clure, President), for upgrades for the computer system to be used at the Wastewater Reclamation Facility, \$10,456. (Six bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3322 (B) Herman M. Brown Company, (100 East Sheridan Avenue, Mike Saxton, President), for two (2) six (6) inch self-priming trash pumps to be used by the Public Works Department (Street Maintenance), \$20,118. (Twelve bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3323 (C) Finding Office Services, Inc., Des Moines, not meeting the specifications and noncompliant, and approving compliant bid of MOS, Ltd. of Iowa, (Bettendorf, IA, Mel Stephenson, President) for a Personal Computer Based Digital Audio Recording and Transcription System to be used by the Police Department (Administrative Services), \$14,277.76. (Seven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-3324 58. (D) Fire fighting equipment to be used by the Fire Department, \$82,364.24. (Twelve bids mailed-nine received). (See roll call for vendors, equipment specifications and price breakdowns). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3325 59. Authorizing Finance Director to draw warrants on registers of September 27, 1996 and October 4, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning September 23, 1996 and September 30, 1996, and the biweekly payroll due employees on September 27, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-3326 60. 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 Vlassis that this ordinance do now pass. Ordinance No. 13,380. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-3327 61. Amending Chapter 2 of the Municipal Code regarding political activity of City employees, to coordinate with provisions of the State Code. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-3328 62. On proposed amendments to the Municipal Code establishing procedure for acting upon requests for "reasonable accommodation" to afford persons with disabilities equal opportunity to use and enjoy a dwelling--under the 1988 Amendments to the Fair Housing Act. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-3329 63. On rezoning of 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". **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

****Council considered Items 80A-80D next****

HEARINGS (Opened at 5:42 P.M.) (Items 64 thru 67)

96-3330 64. On conveyance of vacated East/West alley right-of-way in vicinity of SE Ninth and Hillside Avenue, to John Coxe, \$25 plus costs. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-3331 65. On Sale of city-owned property at 3050 Raccoon Street, to Denny J. and Valerie Fuller, \$924 plus costs. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-3332 66. On vacation of right-of-way and sale of license for continued maintenance of building encroachments, 214 Third Street. **Moved by Hensley to continue the hearing on this matter until October 7, 1996, at 5:30 P.M. Motion Carried 6-1.**

96-3333 (A) First consideration of ordinance above.

WITHDRAWN

96-3334 (B) Final consideration of ordinance above, (waiver requested

WITHDRAWN by applicant).

96-3335 67. On East-Side Interceptor Phase 2 - Relining: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Lametti & Sons, Inc., (V.G. Lametti, President), Hugo MN, \$749,300. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3336 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1.**

* * END HEARINGS at 5:47 P.M. * *

CITY MANAGER RECOMMENDATIONS

96-3337 68. Submitting request for speed limit revision on East University Avenue between E. 35 Street and East City Limits, to 40 miles per hour. (Council Communication No. 96-414) **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation for that portion of University currently at 45 MPH--lower speed limit to 40 MPH.**

96-3338 69. Regarding removal of school crossing guards at noon crossing period. (Council Communication No. 96-413) **Moved by Vlassis to defer action to 10-7-96, to allow notification to affected schools. Motion Carried 5-2. Absent: Flagg and McPherson.**

APPROVING

96-3339 70. Form of Ballot proposition, for submission to the Polk County Commissioner of Elections--to impose Local Option Sales and Services Tax (one percent), December 10, 1996 Election. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3340 (A) Intergovernmental 28E Agreement with Des Moines Public School District, for sharing of 16.5 percent of revenue received from the Local Option Sales and Services Tax to finance construction of Phase I of Vision 2005 Plan. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Flagg. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-3341 (B) City's Commitment to funding Public Safety and Crime Prevention (43 Police positions), from proposed Local Option Sales Tax. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3342 71. Facility Use Agreement with the Botanical Center, to provide food and beverage concession services, subject to City Council approval of Concessionaire and Alcoholic Beverage License, (continued from 9-16-96). (Council Communication No. 96-417) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg and Phillips.**

96-3343 (A) Amendment Two to Liquor Concession Lease-Agreement for the Botanical Center, with River Atrium Catering Company, Inc., (Embassy Suites) for additional 30 days to October 29, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg and Phillips.**

96-3344 72. Assignment of Police Department Towing Contract from Des Moines Automotive Parts Co., (Alan Givant, President) to Owen Crist Body Service, Inc., pursuant to provisions of original contract. (Council Communication No. 96-404) **Moved by Hensley to defer action to the end of October, to allow additional analysis and a recommendation from the City Manager. Motion Carried 6-1.**

96-3345 73. Resolution to approve and accept the offer to sell 1910 Dixon Street located in the Guthrie Avenue Business Park, JJF Partners (Van Meter Electric Supply Company), proposed expansion. (Council Communication No. 96-420) **Moved by McPherson to approve. Motion Carried 6-1.**

96-3346 74. Acceptance of Flower Garden Gazebo Gift, from Chautauqua Park Neighborhood Association, to be constructed in an area of Douglas Woods Park, (1100 block of East Chautauqua Parkway). (Council Communication No. 96-410) **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-3347 75. Beaverdale Recreational Trail Amended Contract with Metropolitan Planning Organization to construct trail, between the western city limits at Merle Hay Road, connecting to M. L. King, Jr. Parkway at Urbandale Avenue. (Council Communication No. 96-411) **Moved by**

Vlassis to adopt. Motion Carried 6-1.

96-3348 76. Transfer of \$150,000 from the Community Development Block Grant Supplemental Special Assessment Subsidy Program to Neighborhood Sidewalk Improvement Program, for total funding allocation of \$225,000--October 1, 1996, through December 31, 1997. (Council Communication No. 96-406) **Moved by McPherson to approve. Motion Carried 6-1.**

96-3349 77. Professional Services Agreement with William C. Page, Public Historian and Preservation Planner for consulting services for River Bend Neighborhood National Register of Historic Places Nominations, Phase II Project, \$27,000. (Council Communication No. 96-407) **Moved by McPherson to approve. Motion Carried 6-1.**

96-3350 78. Increase in Contract and Budget Authority for a Section 8 Annual Contributions Contract. (Council Communication No. 96-416) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3351 79. Budget Amendment for enhanced temporary staff support for

WITHDRAWN Economic Development, Court Avenue District Improvements and Historic Preservation. (Council Communication No. 96-419)

COUNCIL REQUESTS

80. Request from Council Member Mike McPherson to discuss the following:

96-3352 (A) Neighborhood concerns regarding oversized billboards adjacent to residential areas. **Moved by McPherson to receive, file and refer to Legal for review and recommendation. Motion Carried 6-1.**

96-3353 (B) Need to review basic standards for single-family dwellings and to address 20-foot dimension restrictions and review need for additional restrictions to be put in place in R-2 zone areas. **Moved by McPherson to refer to City Plan Commission for consideration and recommendation to the Council. Motion Carried 6-1.**

COUNCIL REQUESTS (continued)

96-3354 80. (C) Need for ordinance dealing with perpetual yard sales. **Moved by McPherson to refer to Legal to consider and recommend ordinance revisions to regulate yard sales. Motion Carried 6-1.**

96-3355 (D) Bulk waste problem and pick up schedule in neighborhoods throughout City. **Moved by McPherson to refer to City Manager for referral to Community Development Task Force, including Linda Westergaard on copy to Task Force Communications and/or adding her to the Task Force, as appropriate. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

96-3356 81. Request from Dave Schladetzky, Co-Chair of Metro I-235 Citizen Design Committee, to speak regarding Interstate 235. **Moved by Vlassis to grant the request to speak; receive and file information received. Motion Carried 6-1.**

96-3357 82. From Lawrence Allen White requesting to speak on City's Civil Rights Ordinance. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1.**

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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.

96-3358 1. Report on Legislative suggestions regarding Transient Merchant Licenses. **Moved by McPherson to receive, file and refer to Legal for preparation of proper legislation. Motion Carried 6-1.**

96-3359 2. Approving recommendation of Mayor Davis, for appointment of James G. Nahas to the Park and Recreation Board, four-year term to expire July 30, 2000. SPONSOR: Davis **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3360 3. Approving Banner Design for The World Food Prize, to be displayed along Locust and Grand, during October. SPONSOR: Hensley **Moved by Hensley to adopt. Motion Carried 6-1.**

EXTRA ITEMS (continued)

96-3361 4. Authorizing submission of Grant Application to Federal Aviation Administration (FAA), with all necessary assurances and conditions, \$1.44 million in Federal Funds for lights and pavement construction associated with installation of a Category II Instrument Landing System, and related projects; and, execution of Grant Agreement subject to approval by FAA. (Council Communication No. 96-424) SPONSOR: Mayor Davis **Moved by McPherson to adopt. Motion Carried 6-1.**

96-3362 5. Ratifying emergency repairs to Ambulance No. Eight, Emerge-A-Star, for ambulance chassis change and body repair, \$40,987. Council Communication No. 96-423. SPONSOR: Phillips. **Moved by Phillips to receive and file. Motion Carried 6-1.**

96-3363 6. Approving Report of Chief Civil Engineer regarding cost of construction for University Avenue and Saylor Road Storm Sewers, \$187,950.37 has been paid, \$14,259.50 is now due, and remaining balance of \$10,642.63 is to be paid at the end of 30 days. SPONSOR: Vlassis. **Moved by McPherson to adopt. Motion Carried 6-1.**

A G E N D A **BOARD OF HEALTH** **September 23, 1996**

96-3364 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

COMMUNICATION

96-3365 1. Communication regarding demolition cost reserve escrowed for 1648 16th St. **Moved by Vlassis 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

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

96-3366 (A) 1826 Hickman, Vacant, TITLEHOLDER/LANDLORD: Heidi Kane; LEGAL INTEREST HOLDER: Jim Walsh. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3367 (B) 3106 S. Union St., Vacant, TITLEHOLDER/LANDLORD: Iowa Food Sales Company, ATTN: Terry L. Monson; CONTRACT BUYER: Marie A. Finley; LEGAL INTEREST HOLDER(S): Douglas D. Lynch and Peggy J. Lynch. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3368 (C) 818 SE 27th St., Vacant, TITLEHOLDER: Charles Johnson. **Moved by Vlassis to adopt. Motion Carried 6-1.**

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

96-3369 MOTION TO ADJOURN AS BOARD OF HEALTH AND RECONVENE AS CITY COUNCIL. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3370 1. (A) City Council 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. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3371 (B) CLOSED SESSION

96-3372 (C) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-3373 (D) Approving payment of \$90,000, to Judson and Ann Lee, their attorney Tom Whitney, Blue Cross Blue Shield and Medicare, for damages in a lawsuit No. CL-000-662554. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3374 (E) Approving payment of \$8,000 to Mary West, and \$3,000 to her attorney Gary Fisher, for conciliation agreement-alternative testing procedures for position of Police Officer. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-3775 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 7:30 P.M.**