

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**October 7, 1996 4:30 P.M.**

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

(A) Head Start Month

(B) White Cane Safety Day--Iowa Council on the United Blind

(C) YWCA Week Without Violence

**INVOCATION:** Pastor Terrance Hennesy

Highland Park Presbyterian Church

96-3382 1. ROLL CALL: **Present: Davis, McPherson, Phillips and Vlassis. Absent: Daniels, Flagg and Hensley.**

96-3383 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3384 3. APPROVING CONSENT AGENDA - items 3 through 72: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 4-3.**

**LICENSES AND PERMITS:**

Approving

96-3385 4. Communication from Legal Department regarding October 7, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 4-3.**

Class "B" Beer Licenses

96-3386 5. Thomas Economos dba Original Coney Island, 501 Locust #210; Renewal - Expires 10-8-96 - Application submitted 8-27-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

**LICENSES AND PERMITS (continued):**

#### Class "C" Beer Licenses

96-3387 6. Coastal Mart Inc., Jack Pester, President dba C-Mart, 2110 East Guthrie; Renewal - Expires 10-13-96 (With Sunday Sales) - Application submitted 8-23-96. **Moved by Vlassis to continue to next Council meeting. Motion Carried 4-3.**

96-3388 7. Coastal Mart Inc., Jack Pester, President dba C-Mart, 3301 East Euclid; Renewal - Expires 10-13-96 (With Sunday Sales) - Application submitted 8-23-96. **Moved by Vlassis to continue to next Council meeting. Motion Carried 4-3.**

96-3389 8. Coastal Mart Inc., Jack Pester, President dba C-Mart, 4503 Fleur Drive; Renewal - Expires 10-13-96 (With Sunday Sales) - Application submitted 8-23-96. **Moved by Vlassis to continue to next Council meeting. Motion Carried 4-3.**

96-3390 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #6; Renewal - Expires 11-19-96 (With Sunday Sales) - Application submitted 9-11-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3391 10. Best Food Mart, Inc., Manjit Ghumman, President dba Ingersoll Food Mart, 2701 Ingersoll; Renewal - Expires 10-13-96 (With Sunday Sales) - Application submitted 9-5-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3392 11. Kartars Mini Mart, Inc., Harpal Singh, President dba Kartars Mini Mart, 3761 East University; Renewal - Expires 10-19-96 (With Sunday Sales) - Application submitted 9-9-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

#### Class "B" Wine Licenses

96-3393 12. Boesen The Florist, Inc., Thomas L. Boesen, President dba Boesen The Florist, 623 Grand Avenue; Renewal - Expires 10-17-96 - Application submitted 9-13-1996. **Moved by Vlassis to continue to next meeting. Motion Carried 4-3.**

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

96-3394 13. Ingersoll Cafe, Inc., Marsha Moen, President dba The Corner, 2724 Ingersoll; New Application submitted 9-10-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3395 14. Randolph Investment Corp., Joseph M. Coppola dba Kirkwood Civic Center Hotel, 400 Walnut; Renewal - Expires 10-22-96 (With Sunday Sales) - Application submitted 9-18-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

**LICENSES AND PERMITS (continued):**

96-3396 15. Robin's Nest Inc., Dan Smith, President dba Robin's Wood Oven Grill, 6401 Southeast 14th Street; Renewal - Expires 10-14-96 (With Sunday Sales) - Application submitted 9-13-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3397 16. BDUY Food Services Inc., Richard T. Murillo, President dba Stella's Blue Sky Diner, 400 Locust; Renewal - Expires 10-19-96 - Application submitted 9-3-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

Class "B" Liquor Licenses

96-3398 17. Marriott Hotel Services, Inc., Todd Clist, President dba Marriott Hotel, 700 Grand Avenue; Renewal - Expired 9-30-96 (With Sunday Sales) - Application submitted 7-22-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

Class "C" Liquor Licenses

96-3399 18. Drake Area Restaurant Corp., R. Stephen Vilmain, Manager dba Drake Diner, 1111 25th Street; Renewal - Expires 10-18-96 (With Sunday Sales and Beer Garden) - Application submitted 9-18-96. **Moved by Vlassis to continue to next Council meeting. Motion Carried 4-3.**

96-3400 19. G.T. Race Car Bar, Inc., John J. Limke, President dba G.T. Race Car Bar, 3013 Ingersoll; Renewal - Expires 10-12-96 (With Sunday Sales) - Application submitted 9-5-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3401 20. Encounter's, Inc., Veronica L. McCaughey, President dba McCoy's, f/n/a Encounter's, 3708 Beaver Avenue; Renewal - Expires 10-18-96 (With Sunday Sales) - Application submitted 8-29-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3402 21. Douglas G. Zimmerman dba Zimms, 3200 Ingersoll; Renewal - Expires 10-18-96 (With Sunday Sales and Beer Garden) - Application submitted 9-11-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

Class "E" Liquor Licenses

96-3403 22. Marriott Hotel Services, Inc., Todd Clist, President dba Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-96 - Application submitted 7-22-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

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

### Beer Gardens

96-3404 23. Approving temporary beer garden application from Drake University, Blair Stairs, Director of Food Services, dba Olmstead Upper Level, Rathskeller, Old Main Lounge, Sports & Recreation Center & Main Stay, 29th & Carpenter; Application submitted 9-26-96 for event to be held for Homecoming on October 18 & 19, 1996 on the stadium parking lot. Subject to submission of electrical and fire inspections. **Moved by McPherson to adopt. Motion Carried 4-3.**

### Refunds

96-3405 24. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 4-3.**

### Sunday Sales

96-3406 25. LC's Inc., Connie L. Bales, President dba LC's Corner, 344 East Jackson; Application submitted 9-24-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3407 26. Mike Mercurio dba Beegs Lounge, 3418 East 14th Street; Application submitted 9-27-96. **Moved by McPherson to adopt. Motion Carried 4-3.**

## **PUBLIC IMPROVEMENTS**

96-3408 27. Approving contract and bond for Des Moines Skywalk System Bridge 8E-9E, connection to the 9th & Locust Parking Garage, Graham Construction Company, (Alan G. Wolf, Vice-President, DM). (Council Communication No. 96-437) **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3409 28. Approving Agreement Amendment No. 1 to the Bio-Solids Facilities project at the Des Moines WRA Regional Wastewater Treatment Plant resulting in a fee amendment increasing the total contract amount by \$55,240. (Council Communication No. 96-428). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3410 29. Approving Agreement with Brown and Caldwell for engineering services with the WRA Raw Sewage Pumping Station project, not to exceed \$88,074. (Council Communication No. 96-427) **Moved by McPherson to adopt. Motion Carried 4-3.**

## **PUBLIC IMPROVEMENTS (continued)**

96-3411 30. Approving agreement with the Iowa Department of Transportation for the East 14th Street Traffic Signal Interconnect Project. (Council Communication No. 96-429). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3412 31. Change Order No. 2, with Van Hauen & Associates, in conjunction with the East Side Interceptor Reconstruction - Phase 1, not to exceed \$12,620. (Council Communication No. 96-425). **Moved by McPherson to adopt. Motion Carried 4-3.**

32. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for the following:

96-3413 (A) Building 60 and 70 Material Handling and Miscellaneous Modifications, Abild Construction Co., Inc., \$6,110.01 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3414 (B) Watrous Avenue Relocation, Iowa Paving Contractors, \$6,249.29 is now due and \$40,843.59 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3415 (C) 1995 Pavement Replacement Program, Iowa Paving Contractors, \$499.13 is now due and \$21,774.71 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3416 33. Approving partial payments on six public improvement projects. (See Roll Call for list and funding availability). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3417 34. Communication from various contractors requesting permission to sublet certain items on 5 public improvement projects (see roll call for list). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3418 34-I Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 4-3.**

## **SPECIAL ASSESSMENTS**

96-3419 35. Resolution levying assessments for costs of Nuisance Abatement-NAC (Emergency Orders) Schedule No. 1997-40, for certification to Polk County. **Moved by Phillips to adopt. Motion Carried 4-3.**

96-3420 36. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of September, 1996, for Certification to Polk County Treasurer (see Roll Call for various amounts). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3421 37. Authorizing Assessment Clerk to correct Delinquent Sewer Rental Charges in amount of \$24.98 on Schedule No. 1994-31, that were charged to 416 4th Street and should have been charged to 400-410 5th Street. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3422 38. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for September, 1996. **Moved by McPherson to adopt. Motion Carried 4-3.**

## **LAND/PROPERTY TRANSACTIONS**

96-3423 39. Offer to Purchase, Warranty Deed, Three Partial Releases of Mortgage, and an Affidavit of Identity, in conjunction with 1996 Sidewalk Replacement Program, from Phrasimmaly S. Philavanh, East 7th Street and Fremont Street - \$90. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3424 40. Easement for Public Highway, and Easement to Construct and Maintain Curb, in conjunction with Reconstruction of Douglas Avenue/Euclid Avenue, from Leased Restaurant Partners by Hardee's Food Systems, Inc., Northwest corner Iowa 6(Euclid/Douglas) and Martin Luther King, Jr. Parkway - \$0. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3425 41. Warranty Deed in conjunction with US 69 (East 14th Street) and Aurora Avenue Intersection Improvement, IDOT Project, from Ruan, Inc., 4205 E. 14th Street - \$746. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3426 42. Approving Final Subdivision Plat entitled SUNRISE ESTATES PLAT NO. 2 in vicinity of East 43rd and East Hull. (Council Communication No. 96-439). **Moved by Vlassis to continue to 10-21-96 meeting or any special meeting which could be called in the interim.**

**Motion Carried 4-3.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

96-3427 43. Nomination recommendation of Mayor Arthur Davis for the appointment of Jack C. Porter to the Historic District Commission (Sherman Hill) for three-year term to expire October 18, 1999. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3428 44. Nomination recommendation of Council Member Mike McPherson, Ward II for appointment of Judi Isaacson to the Citizen Odor Board to fill unexpired term of Jerry Overman to expire April 5, 1999. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3429 45. Nomination recommendation of Council Member Tom Vlassis, Ward I, of Roger Cleven to the Parks and Recreation Board to fill unexpired term of Gayle Collins to expire June 30, 1998. **Moved by McPherson to adopt. Motion Carried 4-3.**

## **BLOCK PARTIES**

96-3430 46. Penny Dawson, 1411, 41st Place, requesting permission to close 41st place from Forest Avenue to College Avenue, Saturday, October 19, 1996, from 3:00 to 9:00 P.M. **Moved by McPherson to adopt. Motion Carried 4-3.**

## **CITY PLAN COMMISSION RECOMMENDATIONS**

96-3431 47. Regarding request from Harold K. Belken, for vacation and lease of a portion of Hartford Avenue right-of-way East of SE 30th Street and North of E. Watrous Avenue, adjoining 3801 SE 30th Street. **Moved by Phillips to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 4-3.**

96-3432 48. Regarding request from Thomas L. Smith, for vacation and conveyance of a portion of East/West alley right-of-way in the vicinity of 3507 Forest Avenue. **Moved by McPherson to adopt and refer to the City Manager and Legal Department for implementation. Motion**

**Carried 4-3.**

### **SETTING DATE OF HEARINGS**

96-3433 49. On Zoning Ordinance Amendment regarding concentration of new duplexes in existing "R-2" single family and duplex districts, and to require new single and two-family dwellings without either a basement or garage to have an accessory storage building, (10-28-96). **Moved by McPherson to adopt and to impose a temporary moratorium City-Wide on construction of two-family dwellings in "R-2" zoned areas for sixty (60) days and direct Legal to prepare a formal resolution for Council consideration at the end of tonight's meeting. Council directed that staff study this issue in more detail for possible revision to the ordinance amendment prior to the hearing on October 28. Motion Carried 4-3.**

(A) Petition from residents in area bounded by SE Hughes, E. Miller, SE 8th and SE 5th, objecting to construction of multi-family dwellings in this area. **Moved by McPherson to receive and file. Motion Carried 3-3. Council Member Phillips declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Hearing Items 75 thru 80 next\*\***

96-3435 50. On proposed vacation and conveyance of City property in the vicinity of SW Second and Jackson, to Baker Electric, Inc., \$6,580, (10-21-96). **Moved by Vlassis to continue to 10-21-96 meeting or any special meeting which could be called in the interim. Motion Carried 4-3.**

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

96-3436 51. Approving selection of Robert O. Jester and the firm of Ensz and Jester, P.C. as co-counsel in case of Robert B. DePugh v. William Hanson, et al, U.S. District Court of the Western District of Missouri, and to sponsor the pro hoc vice admission of Douglas Philip, Assistant City Attorney and representation of Police Officer William G. Hansen, all to be compensated at



an hourly rate of \$95 per hour for partner time on a declining scale for other time based on experience, plus out-of-pocket expenses. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3437 52. Approving payment in amount of \$2,371.20 to Hopkins and Huebner, P.C. for representation of Officer Michael Craig in case of Jane Taylor, et al. v. Michael Craig, et al. **Moved by McPherson to approve payment. Motion Carried 4-3.**

96-3438 53. Approving payment of \$5,064 to Hawkeye Security Insurance Company and \$479.84 to Enterprise Rent-A-Car totaling \$5,543.84 on behalf of Roger Hegna resulting from an automobile accident. **Moved by McPherson to adopt. Motion Carried 4-3.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)**

96-3439 54. Approving payment of \$2,271.80 to Donald G. Beattie for representation of Kurt Bender in case of Bates v. Bender. **Moved by McPherson to approve payment. Motion Carried 4-3.**

#### **CITY MANAGER COMMUNICATIONS**

96-3440 55. Submitting requests for corner clearances at various locations, (see roll call for list). (Council Communication No. 96-433). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 4-3.**

#### **APPROVING**

96-3441 56. Submitting Neighborhood Finance Corporation's audit for periods ending June 30, 1995 and 1996. **Moved by McPherson to receive and file. Motion Carried 4-3.**

96-3442 57. From Civic Center of Greater Des Moines, requesting permission to place a 40' x 40' temporary banner on the North side of the Civic Center building, in association with the presentation of *The Phantom of the Opera*, to be installed mid-October and remain until March 1997. **Moved by Vlassis to continue to 10-21-96 meeting or any special meeting which could be called in the interim. Motion Carried 4-3.**

58. Approving Various City Projects' Work Program and Terms and Conditions for Community Development Block Grant (CDBG) Funding:

96-3443 (A) East University Beautification/Planning Lee Town Square Project, an amount not to exceed \$36,825 from 1995 CDBG funds from April 1, 1996 through May 31, 1997. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3444 (B) Fairgrounds Edge Demonstration Project, an amount not to exceed \$194,683 from 1995 CDBG funds from January 1, 1996 through September 31, 1997. **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3445 (C) Economic Development Financing Incentive Project, an amount not to exceed \$920,654 from CDBG carryover funds from January 1, 1996 through December 31, 1996. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3446 59. Approving Amendment One to the 1996 Supplemental Special Assessment Subsidy Project, which decreases the 1996 allocations by \$150,000, to \$167,297, (funding transferred to Neighborhood Sidewalk Improvement Program). (Council Communication No. 96-438) **Moved by McPherson to adopt. Motion Carried 4-3.**

**APPROVING (continued)**

96-3447 60. Execution of a Cooperative Grant Agreement with the U.S. Department of Housing and Urban Development (HUD), which allows the Human Rights Commission to process housing discrimination complaints, October 1, 1996 thru September 30, 1997, \$25,400. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3448 61. Acceptance of Housing Counseling Grant Allocation, from U.S. Department of Housing and Urban Development (HUD) to provide comprehensive housing counseling services to eligible clients, \$14,000. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3449 62. Partial Release of Judgment Lien, for property at 1241 13th Street, enforcement costs of \$133 and \$94.52 in court costs, to allow ANAWIM to construct a single family home. **Moved by Vlassis to continue to 10-21-96 meeting or any special meeting which could be called in the interim. Motion Carried 4-3.**

96-3450 63. Authorizing release of Good Faith Deposit for 1363 E. Stewart Street/Logan Urban Renewal Area to Billie Wade. (Council Communication No. 96-441). **Moved by McPherson to approve. Motion Carried 4-3.**

96-3451 64. Release of Assignment of Time/Savings Deposit No. 13109 in the amount of \$5,920.50 to David Walters for completion of sidewalk installation in subdivision plat entitled SOUTHERN POINT. **Moved by Vlassis to continue to 10-21-96 meeting or any special meeting which could be called in the interim. Motion Carried 4-3.**

96-3452 65. City Manager's Monthly Financial Report for August, 1996, (on file in City Clerk's Office). **Moved by McPherson to receive and file. Motion Carried 4-3.**

96-3453 66. Report of Civil Service Commission submitting Truck Driver promotional list. **Moved by McPherson to receive and file. Motion Carried 4-3.**

67. Bids for the following:

96-3454 (A) GP Solutions, Inc., (Columbia, Maryland) for computerized maintenance management system software package and computer equipment to be used by the Engineering Department (Wastewater Reclamation Facility) - \$131,055. (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 4-3.**

**APPROVING (continued)**

96-3455 67. (B) Danko Emergency Equipment Company, (Snyder, NE, Daniel Kreikemeier, President) for PortAire Portable Breathing Equipment manufactured by Mine Safety Appliance for compatibility with existing equipment to be used by the Fire Department, \$11,575.75. (Three bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3456 (C) James W. Bell Co., Inc., (4755 East Fourteen Street, John Bell, President) for two (2) rotary air compressors to be used by the Engineering Department (Wastewater Reclamation Facility), \$20,576. (Six bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3457 68. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3458 69. Authorizing Finance Director to draw warrants on registers of October 11, 1996 and October 18, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning October 7, 1996 and October 14, 1996, and the biweekly payroll due employees on October 11, 1996. **Moved by McPherson to adopt. Motion Carried 4-3.**

**ORDINANCES - FINAL CONSIDERATION**

96-3459 70. 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 McPherson that this ordinance do now pass, #13,381. Motion Carried 4-3.**

96-3460 71. Amending Chapter 2 of the Municipal Code regarding political activity of City employees, to coordinate with provisions of the State Code. **Moved by McPherson that this ordinance do now pass, #13,382. Motion Carried 4-3.**

96-3461 72. 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 to delete Section 2A-58 (c) regarding meeting time of the Board of Adjustment, and that the ordinance do now pass as amended, #13,383. Motion Carried 4-3.**

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

## **ORDINANCES - FIRST CONSIDERATION**

96-3462 73. Amending Section 27-830 of the Municipal Code regarding speed limit on E. University Avenue from E. 37th to the East City Limit. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 4-3.**

96-3463 74. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner clearances on the north side of Clark street east and west of 14th Street, east side of 14th Street south of Norton, and north side of Filmore west of Pine Street; Designate Hartford between SE 14th and SE 22nd as a through "STOP" street, with speed limit of 40 MPH; and request for one-way street operation on 56th Street from University to Brattleboro. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 4-3.**

**\*\*Council considered item 81 thru end of agenda next\*\***

## **HEARINGS (Opened at 5:35 P.M.) (Items 75 thru 80)**

96-3464 75. On application from Ryan Schmitz, of Super Wash Inc., to rezone property in the 2121 block of E. Park Avenue, from a Limited "C-1" (Neighborhood Retail Commercial) to a "C-2" (General Retail and Highway Oriented Commercial) and to find this in conformance with the Des Moines 2000 Land Use Plan, (City Plan Commission recommends **DENIAL**--Requires six votes to approve). **Moved by Phillips to adopt. Rezoning is denied. Motion Carried 4-3.**

96-3465 76. On conveyance of east/west alley right-of-way in the vicinity of 2815 E. Washington, to Ramona Faulkner, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3466 77. On vacation of right-of-way and sale of license for continued maintenance of building encroachments, 214 Third Street, (continued from 9-23-96). **Moved by Phillips to close the public hearing and to withdraw the proposal from consideration at this time. Motion Carried 4-3.**

**WITHDRAWN (A) First consideration of ordinance above.**

78. On Army Post Road and South Union Street Widening & Signalization, (IDOT Project):

96-3467 (A) Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of cost. **Moved by Phillips to adopt. Motion Carried 4-3.**

## HEARINGS (continued)

96-3468 78. (B) Resolution on submission of bids, and designating lowest responsible bidder as M. Peterson Construction Co. & The Underground Co. Ltd., A Joint Venture, (Merlin Peterson and Duane Burkhardt, Presidents), Des Moines, \$1,499,999.70. **Moved by Phillips to adopt. Motion Carried 4-3.**

96-3469 79. On Demolition Contract No. 164, Board of Health Nuisance Abatement Contract, (BHNAC): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hopkins Trucking & Excavating, (Ray D. Hopkins, Owner, Boone), \$68,730. **Moved by McPherson to adopt. Staff to check on status of 1703-7th Street. Motion Carried 4-3.**

96-3470 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3471 80. On appeal from Michael Routh, regarding denial of application for taxicab license. **Moved by McPherson to deny license. Motion Carried 4-3.**

\* \* END HEARINGS at 5:50 P.M. \* \*

**\*\*\*Council considered item 58B next and balance of agenda\*\*\***

## CITY MANAGER RECOMMENDATIONS

81. Regarding Authorization to Proceed on the following projects:

96-3472 (A) Sanitary Gates Repair and Removal and SW 30th Street and Park Avenue Sanitary Relief Sewer Projects. (Council Communication No. 96-434). **Moved by Vlassis to receive, file and authorize the City Manager to proceed with project outlined in Council Communication No. 96-434. Motion Carried 4-3.**

96-3473 (B) Aurora Avenue/Debra Heights Sanitary Sewer System Evaluation Study and Bloomfield Trunk Sanitary Sewer System Evaluation Study. (Council Communication No. 96-435). **Moved by Vlassis to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 96-435. Motion Carried 4-3.**

96-3474 (C) Downtown Sanitary Trunk Sewer Televising, Central Place Sanitary Sewer Televising and Bloomfield Sanitary Trunk Sewer Cleaning and Televising. (Council Communication No. 96-436). **Moved by Phillips to receive, file and authorize the City**

**Manager to proceed with the project outlined in Council Communication No. 96-436.  
Motion Carried 4-3.**

## **APPROVING**

96-3475 82. Intergovernmental 28E Agreement with the Iowa State Fair Board of Directors, for East University Avenue Beautification Project adjacent to the Iowa State Fairgrounds. (Council Communication No. 96-426). **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3476 83. Intergovernmental 28E Agreement with Des Moines Park and Recreation Foundation, Inc., which outlines fund raising guidelines and expectations. (Council Communication No. 96-431). **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3477 84. Accepting donation of grant funds from Oak Park Neighbors, for improvements to McHenry Park at Ninth and Oak Park, \$3,000 for park sign, five park benches and a basketball hoop. (Council Communication No. 96-432). **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3478 85. State of Iowa Cultural Enrichment Grant Application, to be submitted by the Botanical Center. (Council Communication No. 96-430). **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3479 86. Regarding removal of school crossing guards at noon crossing period, at various locations, (continued from 9-23-96). (Council Communication No. 96-440). **Moved by Phillips to approve. Motion Carried 4-3.**

## **COUNCIL REQUESTS**

96-3480 87. Oral request of Mayor Davis to discuss membership in Chapter 28E Agreement with Convention and Visitors Bureau (CVB). **Moved by Vlassis to discuss. Motion Carried 4-3.**

96-3481 (A) Resolution to rescind prior City Council Roll Call No. 96-1176 and rescinding the City of Des Moines' withdrawal from membership in the Chapter 28E Agreement with the Convention and Visitors Bureau (CVB), for the promotion of Tourism and Convention Activities in Greater Des Moines Area, which was to be effective on and as of July 1, 1998. **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3482 88. Oral request from Penny Boyd and Mike McPherson, to address City Council on recent incidents at Leo's Lounge, 1018 E. 12th Street. **Moved by McPherson to refer to City**

**Manager and Legal for review and a report on findings. Motion Carried 4-3.**

## **COMMUNICATIONS/REPORTS**

96-3483 89. Request from Kevin Johnson, 200 S.W. Second, to speak regarding Administration and use of Water Works Park. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager for review and recommendation. Motion Carried 4-3.**

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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.**

96-3484 1. Approving payment of \$3,459.20 to Petosa, Petosa, Boecker & Nervig, for services in conjunction with the 63rd and University Intersection Improvement (Windsor Presbyterian Church). SPONSOR: Davis **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3485 2. Approving the firm of Moss & Barnett of Minneapolis, be retained to provide advice and assistance regarding PCS (Personal Communication Service) antenna sites, and local regulation of such sites. SPONSOR: Davis **Moved by Vlassis to adopt. Motion Carried 4-3.**

96-3486 3. Resolution imposing a temporary moratorium on construction of two-family dwellings to permit the orderly consideration of proposals to regulate the allowed density and location of such dwellings. **Moved by McPherson to adopt. Motion Carried 4-3.**

**A G E N D A**  
**BOARD OF HEALTH**  
**October 7, 1996**

96-3487 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3.**

## **AUTHORIZING**

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

96-3488 (A) 1308 Euclid, vacant, TITLEHOLDER(S)/LANDLORD(S): Rick Eatwell, and LEGAL INTEREST HOLDER(S); United Federal Savings & Loan Association of Des Moines n/k/a/ United Federal Savings Bank of Iowa, Federal Deposit Insurance Corporation ATTN: Nancy Champagne, Marvyn Wulff and Dawn Wulff, and United Federal Savings & Loan Association of Des Moines n/k/a United Federal Savings Bank of Iowa, Federal Deposit Insurance Corporation ATTN: Mike Jaworski. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3489 (B) 3500 3rd St. (Garage only), TITLEHOLDER(S)/ LANDLORD(S): Myrtle M. Brooks, Otis Brooks, and Ivoe D. Rogers; **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3490 (C) 1112 E. 8th St., vacant, TITLEHOLDER(S)/ LANDLORD(S): Thomas W. Davidson, as Power of Attorney for Evelyn M. Davidson, Jeannine M. Johnson, as Power of Attorney for Evelyn M. Davidson, Thomas W. Davidson and Suzanne L. Davidson; CONTRACT BUYER: Cherann S. Davidson. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3491 (D) 816 E. 21st Ct., vacant, TITLEHOLDER/LANDLORD: Debbie L. Field; LEGAL INTEREST HOLDER(S): Kathy Barnum d/b/a Barnum Surety Bonding Corporation, Allan P. Barnum d/b/a Barnum Surety Bonding Corporation, Gary Barnum d/b/a Barnum Surety Bonding Corporation, and Naim Madyun d/b/a Speedy Release Bail Bonds. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3492 (E) 1010 27th St., vacant, TITLEHOLDER(S)/LANDLORD(S): Stan D. Heyne a/k/a Stan D. Heyne, Sr., and Lori Stonehocker; LEGAL INTEREST HOLDER(S): Lori Stonehocker, Stan D. Heyne a/k/a Stan D. Heyne, Sr., Douglas R. Cooper and Mary J. Cooper as Guardian and next best friend of Kimanda Cooper, a minor. **Moved by McPherson to adopt. Motion Carried 4-3.**

96-3493 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:50 P.M.**