

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**October 21, 1996 4:30 P.M.**

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

Disability Awareness Month

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

**WITHDRAWN (I) Special Presentation to Charles Morgan**

**(II) Special Presentation, James A. Thompson,**

**Traffic and Transportation Director.**

**INVOCATION: Pastor Clyde Norrgard**

**First Lutheran Church**

**96-3494 1. ROLL CALL: Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

**96-3495 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.**

**96-3496 3. APPROVING CONSENT AGENDA - items 3 through 77.: Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 4-3.**

## LICENSES AND PERMITS:

Approving

96-3497 4. Communication from Legal Department regarding October 21, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

## LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-3498 5. Campbell's Concessions, Inc., Calvin G. Campbell, President dba Campbell's, 4-H Building, Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 10-23-96 (With Sunday Sales) - Application submitted 9-13-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3499 6. Campbell's Concessions, Inc., Calvin G. Campbell, President dba Campbell's, Iowa Tourism Building, Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 10-23-96 (With Sunday Sales) - Application submitted 9-13-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3500 7. Campbell's Concessions, Inc., Calvin G. Campbell, President dba Campbell's, Pavilion, Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 10-23-96 (With Sunday Sales) - Application submitted 9-13-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3501 8. Verna Levear dba Pizza Station, 3015 Merle Hay Road; Renewal - Expires 10-28-96 (With Sunday Sales) - Application submitted 9-10-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3502 9. Hull Avenue Tavern, Inc., Suzanne Stender-Peglow, President dba Hull Avenue Tavern, 834 Hull Avenue; Renewal - Expired 10-9-96 - Application submitted 9-9-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

96-3503 10. Best Food Mart, Inc., Manjit Ghumman, President dba Best Food Mart, 4028 NE 14th Street; Renewal - Expired 10-13-96 (With Sunday Sales) - Application submitted 9-5-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3504 11. Coastal Mart Inc., Jack Pester, President dba C-Mart #1043, 2110 E Guthrie; Renewal - Expired 10-13-96 (With Sunday Sales) - Application submitted 8-26-96. (continued from 10-7-96). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

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

96-3505 12. Coastal Mart Inc., Jack Pester, President dba C-Mart #1012, 3301 East Euclid; Renewal - Expired 10-13-96 (With Sunday Sales) - Application submitted 8-26-96. (continued from 10-8-96.) **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3506 13. Coastal Mart Inc., Jack Pester, President dba C-Mart #1048, 4503 Fleur Drive; Renewal - Expired 10-13-96 (With Sunday Sales) - Application submitted 8-26-96. (continued from 10-7-96) **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

#### Class "E" Beer Licenses

96-3507 14. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 11-02-1996 (With Sunday Sales) - Application submitted 10-01-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3508 15. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #500, 3700 Hubbell; New Application (With Sunday Sales) - Application submitted 6-10-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3509 16. Contemporary Industries Midwest Inc., Bruce E. Dawson, President dba 7-Eleven Store #306, 2211 University; Renewal - Expires 11-05-96 (With Sunday Sales) - Application submitted 9-23-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "B" Wine Licenses

96-3510 17. Boesen The Florist, Inc., Thomas L. Boesen, President dba Boesen The Florist, 623 Grand Avenue; Renewal - Expired 10-17-96 - Application submitted 9-13-96. (continued from 10-7-96) **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

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

96-3511 18. Benchang Laungaram dba A Taste of Thailand, 215 East Walnut Street; Renewal - Expires 10-22-96 (With Sunday Sales) - Application submitted 8-27-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3512 19. Old Fashioned Enterprises, Inc., James R. Hager, President dba Old Fashioned Garden Cafe and Bakery, 3800 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 9-23-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

##### Class "C" Liquor Licenses

96-3513 20. Blazing Saddle Inc., Robert J. Eikleberry, President dba Blazing Saddle, 416 East 5th Street; Renewal - Expires 10-23-96 (With Sunday Sales) - Application submitted 9-11-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3514 21. Hwang Corporation, A Shu Hwang, President dba Dragon House, 2470 East Euclid; Renewal - Expires 10-29-96 (With Sunday Sales) - Application submitted 8-22-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3515 22. Drake Area Restaurant Corp., R. Stephen Vilmain, Manager dba Drake Diner, 1111 25th Street; Renewal - Expired 10-18-96 (With Sunday Sales and Beer Garden) - Application submitted 9-18-96. (Continued from October 7, 1996 Council Meeting.) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3516 23. Betty Lou Gosek dba Joe & Betty's Tap, 1225 East 30th Street; Renewal - Expires 10-22-96 (With Sunday Sales) - Application submitted 9-11-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3517 24. Just D's Inc., Elizabeth M. Dickey, President dba Just D's, 2400 Dean Avenue; New Application (With Sunday Sales) - Application submitted 9-17-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3518 25. Thomas V. Ellis Inc., Thomas V. Ellis, President dba Rose Bowl Tap, 1833 Hubbell Avenue; Renewal - Expires 10-27-96 (With Sunday Sales) - Application submitted 9-19-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3519 26. Valley Park Stadium Inc., Lawrence A. Reed, President dba Valley Park Stadium, 4337 Park Avenue; Renewal - Expires 10-31-96 (With Sunday Sales and Beer Garden) - Application submitted 9-5-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

##### Authorizing

96-3520 27. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3521 28. City Clerk to issue Coin-Operated Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays:**

## **PUBLIC IMPROVEMENTS**

96-3522 29. Approving Addendum to Preconstruction Agreement between the City and the Iowa Department of Transportation to reconstruct the E. 14th Street (U.S. 69)/E. Aurora Avenue intersection. (Council Communication No. 96-444). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3523 30. Approving Addendum to Preconstruction Agreement between the City and the Iowa Department of Transportation to reconstruct the E. Euclid Avenue (U.S. 6)/Delaware Avenue intersection. (Council Communication No. 96-445) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3524 31. Approving contract and bond for Army Post Road and South Union Street Widening & Signalization, M. Peterson Construction Co., and The Underground Co., LTD, a Joint Venture - \$1,499,999.70. **Moved by McPherson to adopt. Motion Carried 7-0.**

32. Approving Private Construction Contracts for the following:

96-3525 (A) Private sanitary sewer line and appurtenances, 1824 E. Park Avenue between The Underground Company, Ltd. Contractors, Wat Lao Buddhavath of IA, Owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3526 (B) Pavement Improvement, Pine Meadows Subdivision located at Emma Avenue East of SW 26th Street between Iowa Paving Contractors, Contractors, and Ron & Sharon Curnes, Owners. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3527 33. Approving partial payments on sixteen public improvement projects, (See roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS (continued)**

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

96-3528 (A) 1995 City-Wide PCC Pavement Restoration Program, Eco Tech Contractors, Inc., remaining balance of \$13,721.30 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3529 (B) Fire Station No. 3 & 4 HVAC Modifications, Accurate Mechanical Company, Inc., remaining balance of \$4,045.70 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3530 (C) Franklin Avenue Sanitary Sewer Repair at Ohio Street, The Underground Co., LTD., \$7,130.70 is now due, remaining balance of \$3,157.55 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3531 (D) E. Hull Avenue Detention Basin Restoration, Van Hauen & Associates, Inc., \$5,225. is now due remaining balance of \$5,235.20 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3532 (E) Structural Modifications to Stormwater Pump Station Wet Wells, Cramer and Associates, Inc., \$110,865. is now due, remaining balance of \$5,835. is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3533 (F) Asbestos Removal-Martin Luther King, Jr., Parkway, Phase 1, (Project IDOT), Enviro Safe Air, Inc., \$27,550. is now due, remaining balance of \$5,300. is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3534 (G) Martin Luther King, Jr., Parkway Demolition Contract No. 3, (Project IDOT), Metro Wrecking & Excavating, Inc., \$5,703.95 is now due, remaining balance of \$2,689.20 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3535 35. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by three property owners and paving or curb replacement program, waivers signed by three property owners, (see roll call for lists). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS (continued)**

96-3536 36. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 64 locations, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3537 37. Approving request from Specialty Construction Services, Inc., Contractors, for Seventh and Grand Parking Garage Renovation, for extension of time to June 1, 1997, with provision no parking stalls will be closed during normal business hours between November 15, 1996 and March 15, 1997. **Moved by Hensley to receive, file and grant the extension of time until June 1, 1997, with the provision that the Contractor will not close any parking stalls during normal business hours between November 15, 1996 and March 15, 1997, except for the area occupied by the Contractor's job trailer. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

38. Authorizing City Manager to acquire the necessary right-of-way and easements for the following construction:

96-3538 (A) E. Euclid (U.S. 6)/Delaware Avenue Intersection Improvement - \$2,567.40-- Meadows Warehousing Co. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3539 (B) U.S. 6 (E. Euclid Avenue) & Delaware Avenue Intersection Improvement - \$81,961.65--Ruan, Inc. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3540 (C) Northwest Airport Trunk Sanitary Sewer - \$679--Polk County. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3541 (D) U.S. 69 (E. 14th Street) and Aurora Avenue Intersection Improvement - \$595--Pine Grove Des Moines LLC. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3542 39. Quit Claim Deed, in conjunction with 6808 SW 17th Street and Affidavit for 7003 SW 17th Street for Airport Title Opinion - (\$29), two parcels purchased in Phase I of Noise Program. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3543 40. Fair Market Value for property in vicinity of 3300 Block of Stanton Avenue, from William C. Knapp Revocable Trust, in conjunction with Airport Expansion - \$77,211.40. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3544 41. Condemnation Commissioner's award of \$40,000, plus Sheriff's fees and jury expenses, in conjunction with 4140 E. 14th Street, to Capital Industries, Inc., and C & S Properties II L.C. and The Seneca Companies; E. 14th and Aurora Intersection Improvements. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS (continued)**

96-3545 42. 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, (continued from 10-7-96). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3546 43. Approving Final Subdivision Plat entitled SUNRISE ESTATES PLAT NO. 2 in vicinity of East 43rd and East Hull, (continued from 10-7-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3547 44. Approving Final Subdivision Plat entitled PARK AVENUE PLAZA EAST in vicinity of East 22nd and East Park Avenue. (Council Communication No. 96-450). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

96-3548 45. Recommendations for appointment of Mark Bates, 1509 - 16th Street to Enterprise Community Steering Committee, representing Mondamin Presidential Association; and , advising of resignations from Reva Henry, representing New Vision Neighborhood Association, Dinh Van Lo, representing Des Moines Public Schools and Doris Dabo, serving as at-large neighborhood representative; and, removing Max Johnson, representing Des Moines Development Corporation. (Council Communication No. 96-446). **Moved by Hensley to adopt. City Manager to review operation of the Committee for status report to Council. Motion Carried 7-0.**



46. Communication and Nomination Recommendation of the following:

96-3549 (A) From Gregory Palermo, Chair of Architectural Advisory Committee advising of resignation of Ms. Meade Marston, effective immediately. **Moved by McPherson to declare the seat vacant. Motion Carried 7-0.**

96-3550 (B) Nomination of Council Member Phillips, Ward IV, for appointment of Morey Knutson, to fill unexpired term of Meade Marston on the Architectural Advisory Committee to expire February 15, 1998. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3551 47. Communication from the Des Moines Public Schools advising that Nadine Hogate has been appointed as their representative to the Des Moines Park and Recreation Board for three-year term to expire June 30, 1999. **Moved by McPherson to approve. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)**

96-3552 48. Communication from Public Housing Board advising of Bill Cappuccio's resignation from the Public Housing Board effective October 9, 1996. **Moved by Hensley to declare the seat vacant. Motion Carried 7-0.**

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

96-3553 49. Regarding Architectural Advisory Committee's recommendation on the East University Beautification Project, State Fairgrounds Fence Improvements. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3554 50. Regarding request from Katherine L. Balducchi for vacation and conveyance of the north/south alley right-of-way between E. Shawnee Avenue and E. Aurora Avenue, in vicinity of 4142 Amherst. **Moved by McPherson to adopt and refer to the City Manager and Legal department for implementation. Motion Carried 7-0.**

96-3555 (A) Setting Date of Hearing on vacation and conveyance of property above, \$50 plus costs, (10-28-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

96-3556 51. On proposed Urban Renewal Plan for the Airport Commerce Park West Urban Renewal Area in the vicinity of SW 63rd and Watrous, (12-2-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3557 (A) On proposed First Amendment to the Airport Commerce Park West Urban Revitalization Area Plan to expand the area to the north and south, (12-2-96). (Council Communication No. 96-453). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3558 52. On proposed Urban Renewal Plan for the Airport Commerce Park South Urban Renewal Area in the vicinity of Fleur Drive and Rittenhouse Street, (12-2-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3559 (A) On proposed 19th Amendment to the City-wide Urban Revitalization Area plan to expand the Airport Commerce Park Industrial Park Area to the south, (12-2-96). (Council Communication No. 96-454) **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS (continued)**

96-3560 53. On Urban Renewal Plan for the proposed Airport Business Park Urban Renewal Area in the vicinity of SW 42nd and County Line Road, (12-2-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3561 (A) On Second Amendment to the Airport Business Park Urban Revitalization Area Plan to expand such area to the south, (12-2-96). (Council Communication No. 96-455). **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN** 54. Amending Chapter 2A-Zoning to create a new "Neighborhood Pedestrian Commercial" Zoning District, for older commercial districts, such as Ingersoll Avenue, (11-4-96).

96-3562 55. On proposed vacation and conveyance of City property in the vicinity of SW Second and Jackson, to Baker Electric, Inc., \$6,580, (10-28-96), (continued from 10-7-96). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3563 56. On application from David Elliott, of Signs of Success, to rezone property at 2907 Douglas from "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow a sign shop, and to find this in conformance with the Des Moines 2000 Land Use Plan, (11-4-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3564 57. On application from Robert Conley, 24th Express Corporation, for approval of a Fifth Amendment to the Planned Unit Development, (PUD) Plan entitled University Square, revising the Drake University Inn portion to allow for 12' high by 8'8" wide 90 square foot free-standing sign on north side of the building and a 7' by 17'1" wall mounted sign to be located on the west wall surface of the building, stating HOLIDAY INN EXPRESS, 1140-24th Street, (11-4-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3565 58. On application from Charles H. Gabus, to rezone property in front of 4475, 4515 and 4545 Merle Hay Road, from an "A-1" (Agricultural District), to a "C-2" (General Retail and Highway Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan, (11-4-96) **Moved by McPherson to adopt. Motion Carried 7-0.**

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

96-3566 59. Approving payment in amount of \$338 to Gribble Law Firm, P.C. for representation of George Flagg in case of Jerry Thompson vs. City. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3567 60. Approving payment in amount of \$496 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for representation of the City in labor and personnel matters. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3568 61. Approving settlements made in satisfaction of damages to City-owned property. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

96-3569 62. Submitting traffic regulation changes for a request for a four-way stop-Intersection of 42nd Street and Greenwood Drive, and request to designate Parking Meter M-510 as a Handicapped Parking space. (Council Communication No. 96-443). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

96-3570 63. Submitting out-of-state travel requests for Eric A. Anderson and Douglas P. Philip. (Council Communication No. 96-442). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **APPROVING**

96-3571 64. Second amendment to Contract with River Atrium Catering Co., Inc. for Botanical Center Liquor Concession Lease for extension to February 28, 1997 or until such time as another alcoholic beverage concession agreement is executed. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3572 65. Contract with The Iowa Department of Human Rights/Division of Community Action Agencies (LIHEAP-2297-07J) for \$39,784 to provide energy assistance to low-income families from October 1, 1996 thru September 30, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3573 66. 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, (continued from 10-7-96). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

#### **APPROVING (continued)**

96-3574 67. Submission of 1996 Public Housing Economic Development and Supportive Services Grant Program application to the U.S. Department of Housing and Urban Development for \$942,500 over a three year period. (Council Communication No. 96-448). **Moved by McPherson to adopt. Motion Carried 7-0.**

68. Amendments to the following 1996 Community Development Block Grant (CDBG) projects:

96-3575 (A) Amendment One to Daycare Services at Child Development Center, Woodland Daycare Center, Naomi Wright Daycare Center Project to institute sliding fee co-pay tied to Housing and Urban Development (HUD) median income guidelines - \$30,983. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3576 (B) Amendment One to 1996 Woodland Willkie Site Office Improvements to reduce project allocation by \$5,770 to be made available for 1997 reprogramming and adding \$7,500 of unspent 1996 Woodland Willkie CSTF funding for room dividers (\$2,500) and public information activities (5,000) - Total Project budget \$11,558. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3577 (C) Amendment One to Help All Children Be Proud-Readiness/Enrichment Program extending contract period to June 30, 1996, allowing additional time to pay staff and operating costs - \$28,264. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3578 (D) Amendment One to 1996 Emergency Food and Personal Pantry Project to increase project allocation by \$3,470 of unspent 1996 Woodland Willkie Citizen Services Task Force

(CSTF) funding to replenish personal pantry items - Total Project \$34,184. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3579 69. 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, (continued from 10-7-96). **Moved by McPherson to receive, file and approve the temporary banner placement on the Civic Center Building, as requested. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

### **APPROVING (continued)**

96-3580 70. Contract to reimburse Children and Families of Iowa, partnering agency's eligible expenses, from funds awarded in Domestic Violence Grant - \$75,424. (Council Communication No. 96-447). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3581 71. Second Amendment to Lease Agreement with Elliott Aviation of Des Moines, Inc. allowing temporary above-ground fuel storage facilities at Airport Leased Premises. (Council Communication No. 96-449). **Moved by McPherson to adopt. Motion Carried 7-0.**

72. Bids for the following:

96-3582 (A) Scotwood Industries, Inc., (Shawnee Mission, KS, Chase Wilson, President) for approximately 30,000 gallons of Liquid Calcium Chloride to be used by the Public Works Department (Street Maintenance), \$0.462 per gallon. (Four bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3583 (B) Economy Data Products, Inc., (Urbandale, IA, Harrington K. Mason, President) for an annual agreement for computer paper to be used by the Finance Department (Data Processing), \$25,299.18. (Eleven bids mailed-seven received). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3584 (C) Declaring GCI Castings, Inc. as non-complaint due to standard specifications on castings, to be used by the Public Works Department (Sewers Division), and submitting compliant bids from GCI Castings, Inc. (Shawnee Mission, KS, Kiran Giri, President), Neenah Foundry Company, (Neenah, WI, E.W. Aylward, President), and Utility Equipment Co., (4655 N.E. 16th Street, Mike Coryn, President) for combined total of \$25,340.20. (Five bids mailed-four received). (See roll call for specifications and price breakdowns). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3585 73. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3586 74. Report of Civil Service Commission submitting Entrance Lists for Loss Control Specialist, Police Information Typist, Park Planner, and Promotional List for Golf Course Technician. **Moved by McPherson to receive and file. Motion Carried 7-0.**

**APPROVING (continued)**

96-3587 75. Authorizing Finance Director to draw warrants on registers of October 25, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning October 21, 1996, and the biweekly payroll due employees on October 25, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

96-3588 76. 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 second vote for passage. Motion Carried 7-0.**

96-3589 (A) Final consideration of ordinance above, (waiver requested by Council Member McPherson). **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,384. Motion Carried 7-0.**

96-3590 77. 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 McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**\*\*Council considered Item 94 and Extra Item 2 next\*\***

## **ORDINANCES - FIRST CONSIDERATION**

96-3591 78. Amending Chapter 27 of the Municipal Code regarding corner clearances for the following: East side of SW 8th South of Park, South side of E. Hughes East of SE 5th, West side of 29th North of Grand, West side of 29th South of Ingersoll, and on the West side of Tomlin Lane North of Guthrie. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

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

96-3592 79. Amending Section 17-16 of the Municipal Code regarding false reports given to law enforcement authorities. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

96-3593 (A) Final consideration of ordinance above, (waiver requested by Legal Department). **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,385. Motion Carried 6-1. Absent: Flagg.**

## **INFORMAL HEARINGS (Opened at \_\_\_\_\_ P.M.) (Item 80)**

96-3594 80. Communication from Attorney David L. Wetsch, on behalf of Rich

**WITHDRAWN** Kading, regarding development of two family dwelling at 705 Southeast Hughes, and representing written application for relief from recent moratorium.

**\*\* END INFORMAL HEARINGS at \_\_\_\_\_ P.M. \*\***

## **HEARINGS (Opened at 5:30 P.M.) (Items 81 thru 83)**

96-3595 81. Recommendation from City Plan and Zoning Commission, regarding 1996/97-2001/02 Capital Improvements Program. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-3596 (A) Communication from Neighborhood Advisory Board regarding the proposed 1996-97/2001-02 Capital Improvements Program. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-3597 (B) Public Hearing on 1996-97/2001-02 Capital Improvements Program (CIP). (Council Communication No. 96-457). **Moved by Flagg to adopt. Motion Carried 7-0.**

## **HEARINGS (continued)**

96-3598 81. (C) On issue of \$40,000,000 Essential Corporate Purpose G.O. Bonds, for refunding bonds Series 1987, 1990C and 1991A. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3599 (1) Authorization for additional action. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3600 (D) On issue of \$13,250,000 Essential Corporate Purpose G.O. Bonds, for projects included in the 1996-97 Capital Improvements Budget. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3601 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**



96-3602 (E) On issue of \$995,000 General Corporate Purpose G.O. Bonds, for reconstruction improvements and equipping of various City facilities. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3603 (1) Authorization for additional action. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3604 (F) On issue of \$975,000 General Corporate Purpose G.O. Bonds, for reconstruction, improvement and equipping of City Buildings and facilities. **Moved by Hensley to**

**adopt. Motion Carried 7-0.**

96-3605 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3606 (G) On issue of \$1,000,000 General Corporate Purpose G.O. Bonds, for equipping and expanding City's information, data management and communications systems. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3607 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **HEARINGS (continued)**

96-3608 82. Communication from City Plan and Zoning Commission, finding proposed 10th Amendment to the Urban Renewal Plan for the Logan Prime Service Area, and proposed new Urban Renewal Plan for the ACCENT Neighborhood Urban Renewal Area in conformance with the Comprehensive Plan. (Council Communication No. 96-452). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3609 (A) Closing the Hearing on the 10th Amendment to the Logan Omnibus Urban Renewal Plan. **Moved by McPherson to approve. Motion Carried 6-1. Nays: Daniels.**

96-3610 (B) Resolution of Necessity--Finding the ACCENT Neighborhood Urban Renewal Area to be a blighted area and rehabilitation of the Area is necessary in the interest of the public health, safety and welfare. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3611 (C) Resolution closing hearing on Urban Renewal Plan for ACCENT Neighborhood Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3612 (D) First consideration of ordinance designating the ACCENT Neighborhood Urban Renewal Project Area as a Tax Increment Financing District. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Daniels.**

96-3613 (E) Final consideration of ordinance above, (waiver requested by Council Member McPherson). **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,386. Motion Carried 6-1. Nays: Daniels.**

**\*\*Council Member Flagg left the meeting at 6:20 P.M.\*\***

96-3614 83. On condemnation of trees located on various properties (See list) infested with Dutch Elm Disease or infected with Oak Wilt. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and Hensley.**

\* \* END HEARINGS at 6:50 P.M. \* \*

#### **CITY MANAGER RECOMMENDATIONS**

96-3615 84. Regarding form of lease for monopoles on Public Property. (Council Communication No. 96-458). **Moved by Vlassis to approve. Motion Carried 5-2. Absent: Flagg and Hensley.**

#### **APPROVING**

96-3616 85. Execution of sewer connection fee agreement and covenant with Iowa Realty Co., Inc., in connection with development of Easter Lake Estates, Plat 1 -\$20,751.49 payable at this time; \$72,644.52 payable as subdivision develops. **Moved by Phillips to adopt. Motion Carried 4-2. Absent: Flagg and Vlassis. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3617 86. Approving recommendation by Public Housing Board for disposal of two excess Municipal Housing Agency Lots acquired for "City Beat" development project, 1812-24th and 4416 University. (Council Communication No. 96-451). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3618 87. Communication from City Clerk submitting Proposed 1997 Schedule of City Council meeting dates. **Moved by McPherson to receive, file and approve. Motion Carried 6-1. Absent: Flagg.**

96-3619 88. Rescinding Developer-Initiated Redevelopment Proposal from JRM Realty, Inc., to redevelop Disposition Parcel No. 32 (1601 Ohio Street) Central Place Industrial Park Urban Renewal Area, and return of Good Faith Deposit. **Moved by Vlassis to approve. City Manager and Legal to report on feasibility of a non-refundable deposit for speculative proposals. Motion Carried 7-0.**

96-3620 (A) Authorizing Offering of Disposition Parcel No. 32 in accordance with adopted minimum Development Requirements, Competitive Criteria and other terms and Conditions. (Council Communication No. 96-456). **Moved by Vlassis to approve. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 81 through 83 next\*\***

96-3621 89. Approving RISE Grant Application, for Relocated Highway 5, from S.W. Ninth Street to Highway 28, \$4,000,000, (Iowa Department of Transportation). (Council Communication No. 96-459). **Moved by Phillips to approve. Motion Carried 5-2. Absent: Flagg and Hensley.**

## **COUNCIL REQUESTS**

96-3622 90. Request from Council Member George E. Flagg to discuss installation of street light in vicinity of 15th and Grand Avenue. **Moved by Flagg to receive, file, discuss and refer to City Manager for review and recommendation. Motion Carried 7-0.**

96-3623 91. Request by Council Member Phillips to discuss model airplane activity in Ewing Park. **Moved by Phillips to receive and file, and refer to Parks Department and Park Board**

**for a recommendation. Motion Carried 6-1. Absent: Flagg.**

## **COMMUNICATIONS/REPORTS**

96-3624 92. From Nadine Hogate, Chair of the Neighborhood Advisory Board, revisiting the recommendation of Charter Neighborhood designation for the ACCENT Neighborhood. **Moved by McPherson to receive, file and approve continued Charter Neighborhood Designation for ACCENT Neighborhood for 18 months. Motion Carried 7-0.**

96-3625 93. Request from Maxine Downey, 1205 E. 33rd Court to discuss relocating the "No Parking" sign posted off of University. **Moved by McPherson to receive, file and grant the request to speak; refer to Traffic Safety Committee for a recommendation. Motion Carried 6-1. Absent: Flagg.**

96-3626 94. Request from Charles L. Austin, to discuss campaign signage on private property at South Union and Park Avenue. **Moved by Flagg to receive, file and grant the request to speak; refer to City Manager for a report. Motion Carried 7-0.**

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## **EXTRA ITEMS**

**These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.**

96-3627 1. Approve assignment by Water Tower Development Corp., to Bank One, Arizona, NA, of rights under Development Agreement required for financing the rehabilitation of the Younkers/Tone Building. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

## **EXTRA ITEMS (continued)**

96-3628 2. Council initiated rezoning of the Ingersoll Avenue Corridor from Martin Luther King Jr. Parkway to 42nd Street, to a "Neighborhood Pedestrian District", and extending moratorium to January 7, 1997, to permit orderly consideration and enactment of the proposed District and rezoning of the area. SPONSOR: Hensley. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3629 3. Approving condemnation Commissioner's Award of \$16,120 plus fees and expenses, for Permanent Easement for Street Right-of-way, Temporary Easement for construction, and Agreement for Assessment and Remediation, in conjunction with the US 69 (E.14th Street) and Aurora Avenue Intersection Improvement (IDOT PROJECT) SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3630 4. Approving Corrective Quit Claim Deed, conveying vacated alley in vicinity of 16th and Walnut, to F.W. Fitch Company. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3631 5. Approving payment of \$10,000 to Kenneth Brown, \$5,000 to Anthony Knox, \$58,195.53 to Robert Wright, Jr., and \$62,195.53 to Lipman Law Firm, in the case of Veasley, et al, v. City of Des Moines. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3632 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:35 P.M.**