

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 6, 1997 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

I. Charter Neighborhoods

(a) Woodland Heights

(b) Union Park

(c) Beaverdale

(d) Chautauqua Park

(e) McKinley/Columbus Park

II. Presentation by the Polk County Sesquicentennial Commission to the City of Des Moines

INVOCATION: Father Peter Cade, St. George Greek Orthodox Church

97-1 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-2 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3 3. APPROVING CONSENT AGENDA - items 3 through 73: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-4 4. Communication from Legal Department regarding January 6, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-5 5. Ailien Nguyen dba A Dong Restaurant, 1905-07 Cottage Grove; Renewal - Expires 1-10-97 (With Sunday Sales) - Application submitted 12-6-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-6 6. Sparta, Inc., James Frangos, President dba Coney Island #2, 3700 Southwest 9th Street; Renewal - Expires 1-20-97 - Application submitted 12-2-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

97-7 7. Danlee Corporation, Lee Adams, V-President dba Jiffy, 3718 Southwest 9th Street; Renewal - Expires 1-25-97 (With Sunday Sales) - Application submitted 11-22-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-8 8. Krause Gentle Corporation, W A Krause, President dba Kum & Go #440, 821 East Euclid; Renewal - Expires 2-26-97 (With Sunday Sales) - Application submitted 12-11-96. **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

97-9 9. Wong Enterprises Inc., Wayne Wong, President dba Kwong Tung Restaurant, 2721 Ingersoll; Renewal - Expires 1-7-97 - Application submitted 12-13-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

97-10 10. Highland Park Legion #374, Jack Mason, Commander dba American Legion Post #374, 3712 2nd Avenue; Renewal - Expires 1-14-97 - Application submitted 12-9-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

97-11 11. Christopher's Inc., Evelyn Giudicessi, President dba Christopher's Dining Room & Lounge, 2816 Beaver Avenue; Renewal - Expires 1-16-97 (With Sunday Sales) - Application submitted 11-27-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-12 12. Sharon Rushing dba Cheers, 2102 Southeast 14th Street; Renewal - Expires 1-10-97 (With Sunday Sales) - Application submitted 12-10-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-13 13. Benoit Enterprises-Benoit Dist. Co., Inc., Jack L. Benoit, President dba Diamond Jack's, 3000 Grand Avenue - Iowa State Fairgrounds; Renewal - Expires 1-31-97 (With Sunday Sales and Beer Garden) - Application submitted 12-19-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-14 14. Host International, Inc., Annette B. Ecott, Asst. Secretary dba Host International, Inc., 5800 Fleur Drive - Des Moines International Airport, Terminal Building; Renewal - Expires 1-7-96 (With Sunday Sales) - Application submitted 12-9-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-15 15. Plaza Lanes Inc., Barbara J. Anderson, President dba Plaza Lanes, 2701 Douglas Avenue; Renewal - Expires 1-28-97 (With Sunday Sales) - Application submitted 11-8-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

97-16 16. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

Gamerrooms

97-17 17. Namco Cybertainment, Inc., Kevin Hayes, President dba Aladdin's Castle, 1111 East Army Post Road; Renewal - Expired 12-31-96 - Application submitted 11-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-18 18. ABV Management, Inc., R. Marler, President dba Adult Emporium, 1401 East Army Post Road; Renewal - Expired 12-31-96 - Application submitted 11-18-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-19 19. ABV Management, Inc., R. Marler, President dba Bachelors Library, 2020 East Euclid; Renewal - Expired 12-31-96 - Application submitted 11-18-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-20 20. New Books, Inc., Roy May, President dba The Blue Nude, 1117 Grand Avenue; Renewal - Expired 12-31-96 - Application submitted 10-25-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-21 21. Robert G. Porter dba Eastgate Cinema III, 1550 East Douglas; Renewal - Expired 12-31-96 - Application submitted 10-29-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-22 22. Mid State News, Inc., Roy May President dba The Gallery, 1114 Walnut Street; Renewal - Expired 12-31-96 - Application submitted 10-28-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-23 23. Kenneth D. Phipps dba Pheonix, 1410 Grand Avenue; Renewal - Expired 12-31-96 - Application submitted 12-9-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Refunds

97-24 24. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

97-25 25. Authorization to proceed on various building improvements included in the 1996-97 Capital Improvements Programs. (Council Communication No. 97-001) **Moved by McPherson to adopt. Motion Carried 7-0.**

26. Authorizing City Manager to acquire the necessary right-of-way and easements and proceed with construction of the following projects in the 1996-97 Capital Improvements Program:

97-26 (A) Sanitary Sewer Improvements, City-Wide Sanitary Sewers 1996-97 (see roll call for list). (Council Communication No. 97-009). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-27 (B) Sanitary Sewer Improvements, Relining Sanitary Trunk Sewers 1996-97 (see roll call for list). (Council Communication No. 97-010). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-28 (C) Euclid Avenue Detention Basin and Easton Boulevard Detention Basin, (right-of-way acquisition only) (Council Communication No. 97-011). **Moved by Phillips to defer action to February 24, 1997 meeting. Staff to schedule a public information meeting in the interim, notifying by mail those within a 1,000 ft. radius of the project(s), and utilizing all news media available to advertise said meeting to Neighborhood residents, Associations and Leaders; and, to encourage them to make further notification, as appropriate. Motion Carried 7-0.**

97-29 27. Change Order No. 13, with Corell Contractors, in conjunction with the 63rd Street & University Avenue Widening and Signalization Contract, not to exceed \$22,000. (Council Communication No. 97-012). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-30 28. Supplemental Agreement No. 1 for Professional Service with RDG Bussard Dikis, Inc. for extra work in conjunction with Police/Fire Dispatch space at Municipal Court building, \$14,000. (Council Communication No. 97-008). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

****Council considered Hearing Items 78 thru 86 next****

29. Approving contracts and bonds for the following Iowa Department of Transportation (IDOT) Projects:

97-31 (A) E. 14th Street and E. Aurora Avenue Intersection Improvements, Eco-Tech Contractors Inc., John A. Gillotti, Vice President, and Des Moines Asphalt & Paving Company, Robert G. Horner, President, A Joint Venture, \$1,158,544. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-32 (B) Fleur Drive Bridge over Raccoon River and Railroad Bridge Deck Overlay, Cramer and Associates, Inc., Delmar Cramer, President, \$628,282.05. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN 97-33 (C) Saylorville Recreational Trail Lighting near Botanical Center, Bailey Construction Co., Charlie Bailey, President, \$40,223.55.

97-34 30. Approving Agreement with US West Communications to provide for replacement of 170' of 50 pair cable to accommodate construction of a new addition to Archie Brooks Community Center, not to exceed \$2,200. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-35 31. Authorizing City Engineer to proceed with paving or curb replacement program, waiver signed for property, 4036 Cottage Grove. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-36 32. Communication from Neumann-Kiewit Constructors, A Joint Venture requesting permission to sublet certain items on Des Moines Skywalk System Bridge 7B-7C South Support & Vertical Access Node (8th and Mulberry). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-37 33. Approving request from Neumann-Kiewit Constructors, A Joint Venture, Contractors for Des Moines Skywalk System Bridge 7B-7C South Support & Vertical Access Node, for extension of time to April 30, 1997. **Moved by McPherson to receive, file and grant the extension of time until April 30, 1997. Motion Carried 7-0.**

97-38 34. Approving partial payments on nine public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-39 35. Removal of assessment (CE28667) against 1714 Logan, to clear title to ANAWIM, (paid in February 1996). (Council Communication No. 97-016). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-40 36. Accepting work and ordering preparation of plat and schedule of assessments-Asphalt Stabilization, Schedule No. 1996-37. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-41 (A) Adopting and levying final schedule of assessments, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-42 37. Accepting work and ordering preparation of plat and schedule of assessments-Asphalt Stabilization, Schedule No. 1996-38. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-43 (A) Adopting and levying final schedule of assessments, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-44 38. Accepting work and ordering preparation of plat and schedule of assessments-Asphalt Stabilization, Schedule No. 1996-39. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-45 (A) Adopting and levying final schedule of assessments, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-46 39. Accepting work and ordering preparation of plat and schedule of assessments-Asphalt Stabilization, Schedule No. 1996-40. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-47 (A) Adopting and levying final schedule of assessments, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-48 40. Revised Offer to Purchase, Warranty Deed and Release of Easement, in conjunction with Channel Excavation-7th Ward Ditch, North of East Hull Avenue Basin, from William Russell Casson, Jr. and Virginia L. Casson, 3407 Delaware - \$6,141.60. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-49 41. Backslope and Property Adjustment Easements and Releases in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project from Virgil D. and Illa E. Chappell, 1207 Williams Street - \$620, Rodney Gallant, 4123 E. University Avenue - \$865, and Charles F. and Marjorie C. Kunert, southeast corner of Winegardner Road and East University Avenue - \$250. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-50 42. Approving Auditor's Plats entitled ICA ACRES PLAT 1 thru ICA ACRES PLAT 5, vicinity of SE 30th and Vandalia, (correcting error in Roll Call 96-4125). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-51 43. Approving Noise Avigation Easements for three properties, in conjunction with the Airport Noise Compatibility Program Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-52 44. Regarding request from James Gordon for Frank Holt, for vacation and conveyance of a portion of E. 21st Street right-of-way in the vicinity of 2511 E. 21st. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

97-53 45. On vacation and sale of right-of-way subject to existing building encroachments, 214-Third Street, to Estate of Gene J. Miller, \$650 plus costs, (1-20-97). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-54 46. On application from Gary Colby of Menard, Inc., to rezone property at 6000 SE 14th Street from "R-2" (One and Two Family Residential) to "C-2" (General Retail and Highway Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan, (1-20-97). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-55 47. Approving payment in amount of \$98.80 to Hopkins & Huebner, P.C. for representation of William Moulder in lawsuit entitled Thomas Simms VanBaale, vs. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-56 48. Approving payment in amount of \$19.76 to Hopkins & Huebner, P.C. for representation of William Moulder in case of Veasley, Brown, Knox and Tarver v. City et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-57 49. Approving payment of \$14,375.60 to Dennis Smith, for workers compensation claim. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-58 50. Approving payment to Hopkins & Huebner, for representation of Officer Michael Craig in the case of Jane Taylor v. Michael Craig, et al, \$2,532.12. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-59 51. Approving payment to Wiggins, Anderson & Conger, for representation of John Rector in the case of Veasley v. Rector, \$5,383.32. **Moved by McPherson to approve payment. Motion Carried 7-0.**

97-60 52. Approving payment of \$88.63 to Hopkins & Sutter in Chicago, for services in conjunction with the City of Norwalk v. Federal Aviation Administration. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-61 53. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-62 54. Submitting travel requests for Roger W. Sanders and Richard Roland. (Council Communication No. 97-002). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-63 55. Submitting traffic regulation changes for the following: Additional handicapped meters adjacent to Neodata, 111-10th; extend snow ordinance on Dean Avenue to the East City Limits; parking restriction on Fifth Avenue near Forest Avenue; and request for No Stopping or Standing and No Parking Anytime on E. 12th Street near DM General Hospital. (Council Communication No. 97-004). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

97-64 56. City Manager's Monthly Financial Report for November, 1996. **Moved by McPherson to receive and file. Motion Carried 7-0.**

97-65 57. Notice of Election to Terminate Inchoate Easements in conjunction with approved Skywalk Agreement with Principal Mutual Life Insurance Company. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: McPherson.**

58. Actions pertaining to allocation of Low Income Housing Tax Credits (Iowa Housing Finance Authority) for the following:

97-66 (A) No Opposition - Des Moines Partners, L.P./River Valley Apts., for new construction of four buildings supplying 48 new units, at 6209, 6211, 6229 and 6231 Creston Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-67 (B) No Opposition - Arlington Heights, L.P. for renovation of three buildings 1805, 1807 and 1809 Arlington and construction of a new building at 1803 Arlington to provide 37 units of Housing - to be managed by Good Samaritan. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-68 (C) No Opposition - Southbrook Green Apts, II, L.P. for new construction of 36 units at 1516 SE Evergreen. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-69 (D) No Opposition - College Park LLC, for new construction of 25 units at 1401, 1424, 1428 and 1430 College and 1548 Clark. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-70 (E) No Opposition - Mid-City Duplexes, L.P. for new construction of 10 units at 1330-7th Street, 1301, 1311-10th Street, and 1231, 1234 and 1322-12th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-71 (F) No Opposition - Sargent Oak Chateau, LP, to construct 72 units at 3500, 3502 and 3504 E. Douglas. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-72 (G) No Opposition - Beaverdale Trail L.C., for new construction of 54 units at 3002-30th Street, (insufficient information). (Council Communication No. 97-014). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-73 59. Tax Abatement applications for additional value added by improvements made during 1996. (170 applications on file in Clerk's Office-see roll call for list). (Council Communication No. 97-003). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-74 60. License Agreement with Islamic Center of Des Moines for exclusive use of portion of Glendale Cemetery for burial of members of Muslim faith, December 3, 1996 through December

2, 2016. (Council Communication No. 97-005). **Moved by Vlassis to adopt. Motion Carried 7-0.**

61. Certificate of Completion and release of Good Faith Deposit for the following:

97-75 (A) Disposition Parcel No. 4, North Park Rehabilitation/ Redevelopment Urban Renewal Area to Good Samaritan Urban Ministries Development Corporation. **Moved by McPherson to approve. Motion Carried 7-0.**

97-76 (B) Disposition Parcel Nos. 5, 6, and 9, North Park Rehabilitation/Redevelopment Urban Renewal Area to Community Housing Development Corporation. **Moved by McPherson to approve. Motion Carried 7-0.**

97-77 62. Report of Civil Service Commission submitting Senior Police Officer (Promotional) list. **Moved by McPherson to receive and file. Motion Carried 7-0.**

97-78 63. Report of Civil Service Commission submitting Promotional List for Process Control Technician. **Moved by McPherson to receive and file. Motion Carried 7-0.**

97-79 64. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

65. Bids for the following:

97-80 (A) O'Halloran International Inc, (1780 E. Sheridan, D.M., Jim O'Halloran, Pres.), for two dump trucks to be used by the Street Cleaning Division, \$80,574, plus six-year extended warranty at \$2,448, (twelve bids mailed-ten received). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-81 (B) Dewey Ford, Inc., (444 E. Locust, Mark Vukovich, Pres.) for pick-up truck with snow plow and bed liner, to be used at the Ewing Park, \$18,750, (twelve bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-82 (C) Parkson Corporation (Ft. Lauderdale, FL)-\$12,517, and Fabrics for Industry (Huntingdon Valley, PA)-\$7,966, for replacements parts for Parkson Presses at the Wastewater Reclamation Facility, (two bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-83(D) GE Capital, IT Solutions, (Urbandale, Jerry Poch, Pres), for ten computer printers to be used at the Police Department, \$12,130, (six bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-84 (E) CIC Systems, Inc., (WDM, Mike Riter, Pres.) for three laptop computers to be used by the Administration and Vice/Narcotics Divisions of the Police Department, \$12,764, (eight bids

mailed-five received). **Moved by McPherson to adopt. Motion Carried 4-3. Nays: Daniels, Flagg and Vlassis.**

97-85 (F) Motorola Communications and Electronics Corporation, for eight mobile radios to be used by the Police Department, \$11,808, (State of Iowa Contract). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-86 (G) Capital Controls Co., Inc., (Cedar Rapids), for four Chlorine Residual Analyzer Monitor Systems for use at the Wastewater Reclamation Facility, \$36,324, (six bids mailed-one received) (Council Communication No. 97-013). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

97-87 (H) Pomeroy Computer Resources, (1408 Locust Streets, DM, Rick Fester, Pres.), for miscellaneous computer equipment to be used by the NCS Division, \$38,509.50, (eight bids mailed-six received). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-88 (I) Capital Controls Company, (Cedar Rapids) for chlorine and sulfur dioxide vacuum regulators for use on equipment at the Wastewater Reclamation Facility, \$15,210, (single factory source). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

97-89 (J) Gateway 2000, Inc., (North Sioux City, SD), for four personal computers to be used in the Fire Department-Administration Division, \$10,652, (eight bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-90 66. Authorizing Finance Director to draw warrants on registers of January 10, 1997 and January 17, 1997; and the bills of the Des Moines Municipal Housing Agency for weeks beginning January 6, 1997 and January 13, 1997, and the biweekly payroll due employees on January 17, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-91 67. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner clearance on the West side of 8th Street North of Crocker, and on the East Side of E. 23rd North of Thompson; shorten parking prohibition on the West side of E. 33rd Court North of E. University; and parking restriction from 8:00 A.M. to 3:00 P.M. School Days, on both sides of California Drive between Chamberlain and 43rd. **Moved by McPherson that this ordinance do now pass, #13,407. Motion Carried 7-0.**

97-92 68. On rezoning of property at 4530 and 4590 SE 34th Street, from "R1-90" (Large Lot One Family Residential) to an "R1-80" (One Family Residential). **Moved by McPherson that this ordinance do now pass, #13,408. Motion Carried 7-0.**

97-93 69. Amending Chapter 8 of the Municipal Code regarding adoption of the updated Electrical Code and changes in electrical licensing process. **Moved by McPherson that this ordinance do now pass, #13,409. Motion Carried 7-0.**

97-94 70. Amending Chapter 15 of the Municipal Code regarding rental fees for space at the Botanical Center. **Moved by McPherson that this ordinance do now pass, #13,410. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-95 71. Amending Chapter 15 of the Municipal Code regarding 1997 Golf Course Fees. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: McPherson. Pass: Vlassis.**

97-96 72. Repealing Sections 19-1 through 19-11.02 of the Municipal Code regarding Licensing of Ambulance Services in Des Moines; (licensing to be provided by the State). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-97 73. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Requests for corner clearance on the south side of Brattleboro at locations between 28th and 31st; east side of E. Ninth north and south of Des Moines Street, and on the west side of Sixth Avenue south of Laurel. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-98 74. Amending Chapter 2 of the Municipal Code regarding competitive bidding requirements for Airport concessions. (Council Communication No. 97-006). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

97-99 (A) Communication from Airport Board, regarding above. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

97-100 75. Amending Chapter 9 of the Municipal Code regarding licensing of transient merchants, to include food in the definition for licensing. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

97-101 (A) Final consideration of ordinance above, (waiver requested by City Clerk). **Moved by Vlassis 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, #13,411. Motion Carried 6-1. Absent: Flagg.**

97-102 76. Amending Chapter 2 of the Municipal Code by enacting a new Section 2-1(e), regarding boundary line description of the City, (vicinity of NE 14th and Interstate 80). **Moved**

by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

97-103 77. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Removal of handicapped space on the East side of 26th Street South of University; Parking Revision for new location of Post Office on 24th Street between University and Carpenter; request for stop sign at SW 13th and Hackley. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 87 thru end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 78 thru 86)

WITHDRAWN97-104 78. On appeal from Jerry Hickock, regarding denial of application for taxicab license.

97-105 79. On appeal from Shayne Olin, regarding denial of application for taxicab license. **Moved by Vlassis to DENY license. Motion Carried 6-1. Nays: Davis.**

97-106 80. On application from Grant Bell, to rezone property at 601-607 Hickman Road, from "C-0" (Commercial-Residential) to a "C-1" (Neighborhood Retail Commercial). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-107 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-108 81. On application from Tom Miller, to rezone property at 4506 SW Ninth Street, from "C-1" (Neighborhood Retail Commercial), to a "C-1A" (Neighborhood Commercial Reuse District), subject to certain conditions, and to continue hearing to 1-20-97 to allow time for preparation and review of Reuse Plan. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

WITHDRAWN 97-109 (A) First consideration of ordinance above.

97-110 82. On vacation and lease (base term of five years) of a portion of Hartford Avenue right-of-way East of SE 30th and north of E. Watrous, to LaVera N. Belken. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: McPherson.**

97-111 (A) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-112 (B) Final consideration of ordinance above. **Moved by Phillips that the rule requiring that ordinances which have been published, or summaries of which have been published, prior to consideration must be voted upon at one meeting for passage by the City Council prior to the meeting at which it is to be finally passed be suspended, that the first consideration be waived, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,412. Motion Carried 6-1. Absent: McPherson.**

97-113 83. On vacation of the North/South alley right-of-way in the block bounded by E. Shawnee, E. Aurora, Bowdoin and Amherst, and conveyance of a portion to Katherine L. Balducci, \$50 plus costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-114 (A) First consideration of ordinance above, (pre-published, requires two readings). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-115 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson that the rule requiring that ordinances which have been published, or summaries of which have been published, prior to consideration must be voted upon at one meeting for passage by the City Council prior to the meeting at which it is to be finally passed be suspended, that the first consideration be waived, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,413. Motion Carried 7-0.**

97-116 84. On E. Euclid Avenue and Delaware Avenue Intersection Reconstruction, (IDOT Project); Approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-117 85. On Union Park Playground Improvements; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction (Robert L. Johnson, President, 107 Arthur Avenue, DM), \$88,530.50. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-118 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-119 86. On condemnation of trees located on various properties (See attached list) infested with Dutch Elm Disease or infected with Oak Wilt. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

* * END HEARINGS at 6:15 P.M. * *

****Council considered the balance of the Consent Agenda Next.**

Item 71 and Items 74 thru 77**

APPROVING

97-120 87. Proposed time schedule and approach for amending the Zoning Ordinance to create an "NPC" (Neighborhood Pedestrian Commercial) District, and for rezoning a portion of the Ingersoll Avenue Corridor. **Moved by Flagg to approve, and to extend the temporary moratorium on construction on Ingersoll Avenue through March 31, 1997. Motion Carried 7-0.**

97-121 88. Agreement with State of Iowa Department of Natural Resources for a \$250,000 Resource Enhancement and Protection (REAP) grant for acquisition and construction of a segment of Phase III of Four Mile Creek Recreational Greenway, \$59,000 City of Des Moines' portion. (Council Communication No. 97-007). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-122 89. Final Report from Snyder & Associates regarding 7th Ward Ditch Flood Control Study. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-123 90. Nomination of Mayor Davis to appoint Gene Phillips as Mayor Pro Tem for calendar year 1997. **Moved by Hensley to approve the recommendation of Mayor Davis for the appointment hereinabove stated, until the first regular meeting of the City Council in January, 1998, or as soon thereafter as possible. Motion Carried 6-0. Council Member Phillips declares a conflict of interest, and abstains from voting.**

COUNCIL REQUESTS

97-124 91. From Mayor Arthur Davis, to discuss City of Des Moines' relationship with TCI Cablevision of Central Iowa. **Moved by Vlassis to discuss, receive and file. Motion Carried 7-0.**

97-125 (A) Communication from Bill Pierce, 938 42nd Street requesting permission to speak regarding Cablevision. ****Mr. Pierce did not appear, nor speak****

97-126 (B) Oral request of Council Member Preston Daniels, to discuss TCI Cable programming. **Moved by Vlassis to discuss, receive and file. Motion Carried 7-0.**

97-127 (C) Petitions file in support of MTV Programming on TCI Cable in the Greater Des Moines Metropolitan Area. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN 97-128 92. From William C. Knapp, II, President of AMERUS Properties, requesting to speak to Council regarding development at 10th and Cherry.

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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.

97-129 1. Authorization for Airport Board to create a Lease policy for installation of Communication antennas (monopoles) on Airport property. Council Communication No. 97-015. SPONSOR: Mayor Davis. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-130 2. Receive Offer to buy Flood Damaged Property at 2426 Prospect from John C. Benson, and to set date of hearing (1-20-97) on sale of property. SPONSOR: Vlassis. **Moved by Vlassis to approve. Motion Carried 6-1. Absent: Daniels.**

97-131 3. Correcting extension of temporary moratorium on construction of two-family dwellings in the "R-2" Districts, to extend to May 5, 1997, (to correct scrivener's error). SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

January 6, 1997

97-132 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

97-133 (A) 1216 Ure St., vacant, TITLEHOLDER/LANDLORD: Cleo E. Underwood. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN 97-134 (B) 2814 1st St., vacant, TITLEHOLDER(S)/LANDLORD(S): John Davis and Christine Frank.

97-135 (C) 3121 6th Ave., vacant, TITLEHOLDER/LANDLORD: Robert Jeffrey White. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-136 (D) 1807 12th St., vacant, TITLEHOLDER(S)/LANDLORD(S): First National Acceptance Company, A Michigan Corporation, Attn: Prentice Hall Corporation System,

Registered Agent; LEGAL INTEREST HOLDER(S): Nancy Nervig and James E. Nervig.
Moved by McPherson to adopt. Motion Carried 7-0.

97-137 (E) 3832 15th St., vacant, TITLEHOLDER(S)/LANDLORD(S): Donald E. Wait and Dorothy Wait; CONTRACT BUYER(S): SRS, Inc., Attn: David M. Erickson, Registered Agent; LEGAL INTEREST HOLDER(S): Janice M. White and Edward White. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-138 2. Release of demolition cost reserve held under claim number 14K52684 regarding property known as 811 Filmore owned by Raymond A. Manson and Gertrude Manson. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-139 3. Release of demolition cost reserve held by La Mars Mutual Insurance Company regarding property known as 1811 York owned by Terri Halsted. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-140 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:35 P.M.**