

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**March 3, 1997 4:30 P.M.**

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

(a) Brain Awareness Week

**INVOCATION:** Father James Kirby

St. Theresa's Catholic Church

97-656 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-657 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

97-658 3. APPROVING CONSENT AGENDA - items 3 through 59: **Moved by Hensley to adopt. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

97-659 4. Communication from Legal Department regarding March 3, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "E" Beer Licenses

97-660 5. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 3-27-97 (With Sunday Sales) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-661 6. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food Store #1, 3330 M L King Parkway; Renewal - Expires 3-9-97 (With Sunday Sales) - Application submitted 2-10-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

97-662 7. Apple South, Inc., Thomas Earl Dupree, Jr., Chairman dba Applebee's Neighborhood Bar & Grill, 6301 Southeast 14th Street; Renewal - Expires 3-19-97 (With Sunday Sales) - Application submitted 2-17-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-663 8. Con Lar, Inc., Connie Derry, President dba Connie's Lounge, 3839 Merle Hay Road; Renewal - Expires 3-14-97 (With Sunday Sales) - Application submitted 2-14-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-664 9. Hospitality Restaurants, Inc., A. D. Bachman, President dba Francie's, 2100 Wakonda View Drive; Renewal - Expires 3-17-97 (With Sunday Sales and Beer Garden) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-665 10. Gathering Point Lounge, Inc., Sharon R. Perks, President dba Gathering Point Lounge, 5914 SE 14th Street; Renewal - Expires 3-9-97 (With Sunday Sales) - Application submitted 2-10-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-666 11. Mary Frances Davis dba Hamilton's Executive Lounge, 605 7th Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 2-10-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-667 12. Independent Lodge #4, Donald W. Austin, President dba Independent Lodge #4, 1601 - 6th Avenue; Renewal - Expires 3-11-97 (With Sunday Sales) - Application submitted 1-27-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-668 13. Peter L. Riccelli, Sr., dba Riccelli's Supper Club, 3803 Indianola Road; Renewal - Expires 3-13-97 (With Sunday Sales) - Application submitted 1-31-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-669 14. P.H.C. Corporation, Peggy Ann Cooper, President dba Top of the Hill, 5521 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 1-23-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-670 15. City of Des Moines dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-97 (With Sunday Sales and Beer Garden) - Application submitted 2-12-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-671 16. Rocket Inc., Steve Little, President dba Winston's Pub & Grille, 601 Locust - Suite 200; Renewal - Expires 3-11-97 (With Sunday Sales) - Application submitted 2-18-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

97-672 17. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-673 18. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

Gamerrooms

97-674 19. Communication from James Thorman, Namco Cybertainment, Inc., advising of name and location change from Aladdin's Castle #5156, Southridge Mall - Space 484, 1111 East Army Post Road to Time Out #5156, Southridge Mall - Space 405. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Beer Gardens

97-675 20. P.M.J., Inc., Patrick Daughenbaugh, President dba Carl's Place, 1620 Woodland Avenue requesting permission for temporary beer garden for event to be held on March 15, 16, and 17, 1997. Subject to submission of acceptable building, electrical, zoning, and fire inspections. Application submitted 2-26-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

21. Resolution Ordering Construction of the following:

97-676 (A) SW 7th Street Bridge over Raccoon River Rehabilitation, (IDOT), Setting Date of Hearing, (3-24-97), (Construction Estimate - \$609,392.75). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-677 (B) E. University Avenue Beautification-Fairground Edge, (IDOT), Setting Date of Hearing (3-24-97), (Construction Estimate - \$400,792). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-678 (C) E. University Avenue at Williams Street Intersection Improvements, (IDOT), Setting Date of Hearing (3-24-97), (Construction Estimate - \$1,307,526.50). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-679 22. Report of Chief Civil Engineer showing construction progress, amount due and funding availability of the E. 14th Street at E. Aurora Avenue Intersection Demolition, Metro Wrecking & Excavating, Inc., \$2,723.50 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

23. Communications from Neumann Brothers, Inc., Contractors for the following:

97-680 (A) Des Moines Skywalk System Bridges 2C-2D; 2C-3C requesting an extension of time until July 9, 1997. **Moved by Hensley to receive, file and grant the extension of time until July 9, 1997. Motion Carried 7-0.**

97-681 (B) Des Moines Skywalk System Bridge 1C-2C requesting an extension of time until August 8, 1997. **Moved by Hensley to receive, file and grant the extension of time until August 8, 1997. Motion Carried 7-0.**

97-682 24. Approving contract and bond for Community Centers Accessibility Program with Johnson Concrete & Petroleum Construction, Inc., Robert Johnson, President - \$32,263. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-683 25. Approving completion and recommending acceptance of Private Construction Contract for Paving Improvement Easter Lake Park Plat No. 4 between Sternquist Construction, Contractors, and George D. Fischer, Owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-684 26. Approving partial payment on the Martin Luther King Jr., Parkway Demolition Contract No. 4, to Corell Contractor, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

97-685 27. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of February, 1997, Schedule No. 1997-22, for certification to Polk County Treasurer (see roll call for various amounts). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-686 28. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for February, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

97-687 29. Approving Noise and Avigation Easements for two properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

30. Backslope and Property Adjustment Easements and Releases, in conjunction with 1995 Paving Program No. 1, - E. 34th Street/SE. 34th Street-Dean Avenue to Railroad Tracks, from:

97-688 (A) Harry W. and Loretta L. Cronin, 112 E. 34th Street - \$125, and Allen and Brenda Chapman, 112 E. 34th Street - \$25. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-689 (B) Gloria C. Robertson, 100 E. 34th Street - \$25. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-690 31. Backslope and Property Adjustment Easements and Releases, in conjunction with 1995 Paving Program No. 1 -East 22nd Street-Dean Avenue to Maple Street, from Bessie Eveland, 2201 Maple Street - \$25, and Galilee Baptist Church, 2208 E. 22nd Street - \$175. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-691 32. Backslope and Property Adjustment Easement and Release, Offer to Purchase, Warranty Deed, and six affidavits of Identity, in conjunction with Iowa 63 (E. University Avenue) and Williams Street Intersection Improvement, from Charles Richard Smith, 4138 E. University Avenue - \$2,547.80. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **STREET CLOSINGS**

97-692 33. Des Moines Jaycees, 1011 Locust, requesting permission to close Court Avenue, from West 2nd Avenue to East 1st Street, Sunday, June 22, 1997, from 6:00 to 9:00 P.M. (Street party for National Jaycees Convention). **Moved by Hensley to adopt. Motion Carried 7-0.**

### **CITY PLAN COMMISSION RECOMMENDATIONS**

97-693 34. Regarding request from Kevin Smith, Turkey Time Concessions, for vacation and conveyance of a portion of an east/west alley right-of-way in the vicinity of 303 SE 34th Street. **Moved by Hensley to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-694 (A) Setting Date of Hearing on request to rezone property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a "M-1" (Light Industrial District) and to find this application in conformance with the Des Moines 2000 Land Use Plan, (3-17-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-695 35. Regarding request from Mark Bockenstedt of Scott Street Enterprises, for vacation and conveyance of a North/South alley right-of-way and a portion of SE Fifth Street and Allen Street right-of-way in the vicinity of SE Fifth and Allen Streets. **Moved by Hensley to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

97-696 36. On Proposed Fourth Amendment to the Riverpoint Capitol-Center Development Area Urban Renewal Project--to add Gray's Lake area property, designate the block between Sixth and Seventh from Crocker to Center Streets for Intermodal Transportation Facility, and revise the text and maps, (4-7-97). **Moved by Hensley to adopt. City Manager and Legal to report before 3-17-97 regarding present titleholder of the building and property, balance of the mortgage and interest rate, amount of unpaid taxes, tax sale and assessed value of property, for the Gray's Lake area property. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-697 37. On 1996 Consolidated Plan Program Year Performance and Evaluation Report, (3-24-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-698 38. On conveyance by warranty deed excess property at 4416 University Avenue to Phyllis J. Roiland, \$24,500, (3-24-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-699 39. On application from Keith Spiker of Quik Trip, to rezone property at 933 63rd Street from R1-80 (One Family Residential) to a Limited C-2 (General Retail and Highway Oriented Neighborhood Commercial), and amending the Des Moines 2000 Land Use Plan by revising the classification from Low Density Residential to Commercial, (City Plan Commission recommends DENIAL), (3-17-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-700 40. On proposed Lease Agreement with Club Car Inc., for rental of 95 golf carts, for a 36-month period, for use at Grandview and Waveland Golf Course, \$63,270 annually. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

97-701 41. Approving payment of \$423.50 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of the City in lawsuits entitled Keystone Electrical Manufacturing Co. v. City of Des Moines, and Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-702 42. Approving payment of \$11,049.50 to Randy Burdock for workers' compensation claim filed during the scope of his employment, subject to approval of the Industrial Commissioner. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

97-703 43. Submitting traffic regulation change from Des Moines Police Department to post "Evening Parking Restrictions" Signs, as necessary. (Council Communication No. 97-103). **Moved by Vlassis to defer to 3-17-97. City Manager to provide information regarding basis for request. Motion Carried 7-0.**

97-704 44. Submitting out-of-state travel request for Christine Chandavong and Lonny Namanny. (Council Communication No. 97-106). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **APPROVING**

97-705 45. Partial Release of Judgement Lien for Nonprofit Low Income Housing Project - 2207 Carpenter. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-706 46. Approving contract with Des Moines Independent Community School District (DMPS), OSACS Women's Center (OSACS), and Big Brothers/Big Sisters (BB/BS) for \$30,000 in Social Service Block Grant (SSBG) funds, for the Enterprise Community Mentoring Project from November 1, 1996 through October 31, 1997. (Council Communication No. 97-109). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

97-707 47. Communication from the Community Development Department concerning an update on the development covenants at the Fort Des Moines #3 on Army Post Road and S.W. 9th Street. (Council Communication No. 97-112). **Moved by Phillips to receive and file. Motion Carried 7-0.**

97-708 48. Communication from Harold Smith, City Engineer, submitting the Fiscal 1997, Second Quarter Report of the City of Des Moines Stormwater Utility. **Moved by Hensley to**

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

97-709 49. The Des Moines Comprehensive Annual Financial Report and Independent Auditor's Reports for the fiscal year ended June 30, 1996. (Copy on file in Clerk's Office) **Moved by Hensley to adopt. Motion Carried 7-0.**

97-710 (A) The Des Moines Municipal Housing Agency General Purpose Financial Statements and Independent Audit Report for fiscal year ended June 30, 1996. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-711 50. Bid from American Midwest Industrial Corporation, (Munster, IN, Mike Gaskey, President) for repair parts for Ingersoll-Dresser Pumps to be used by the Engineering Department (Wastewater Reclamation Facility), \$14,750, (Seven bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-712 51. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-713 52. Authorizing Finance Director to draw warrants on registers of March 7, 1997 and March 14, 1997; bills of the Des Moines Municipal Housing Agency for weeks beginning March 3, 1997 and March 10, 1997, and the biweekly payroll due employees on March 14, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

97-714 53. Amending Chapter 27 of the Municipal Code regarding corner clearance on the east side of E. 26th, south of E. Madison. **Moved by Hensley that this ordinance do now pass, #13,434. Motion Carried 7-0.**

97-715 54. On rezoning of property (approximately 140 acres) at 3615 SW 63rd, 6101 and 6001 Watrous, and 3500 SW 56th Street, from "R-2" (One and Two Family Residential) and "PBP" (Planned Business Park), and "M-3" (Limited Industrial District) to a PUD. **Moved by Hensley that this ordinance do now pass, #13,435. Motion Carried 7-0.**

97-716 55. On rezoning of property in vicinity of Stanton Avenue to McKinley and between SW 34th and SW 32nd Street, from an "R1-80" (One Family Residential), to an "M-3" (Limited Industrial). **Moved by Hensley that this ordinance be placed upon its final passage and that the ordinance do now pass, #13,436. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

97-717 56. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Additional Handicapped Parking Meters on 10th Street-Cherry Street to Mulberry Street; 10th Street-Grand Avenue to High Street; Court Avenue-2nd Avenue to 3rd Street; Locust Street-East 1st Street to Second Avenue; E. Grand Avenue-E. Sixth Street to Pennsylvania Avenue; Walnut Street-Tenth Street to Eleventh Street; Grand Avenue-Fifth

Avenue to Sixth Avenue; Grand Avenue-Ninth Street to Tenth Street; Park Street-Second Avenue to Fourth Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-718 57. On rezoning of property in the 800 block of E. County Line Road from "R-3" (Multi-Family Residential) to an "R-5" (Mobile Home Residential). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-719 58. On Amendments to the Zoning Ordinance, to create the Neighborhood Pedestrian Commercial District Classification, (incorporates language change regarding prohibition of automobile accessory stores (p. 5), and outdoor merchandizing within 25 feet of the street (p. 12). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-720 59. On Amendments to the Site Plan Review Requirements, to facilitate the "NPC" Neighborhood Pedestrian Commercial District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

97-721 60. Amending Chapter 27 of the Municipal Code regarding installation of handicapped parking in the vicinity of Third and Locust. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**\*\* Council considered Item 68 - 71 next \*\***

#### **HEARINGS (Opened at 5:44 P.M.) (Items 61 thru 67)**

97-722 61. On Lease Amendment, to expand the Iowa Air National Guard (IANG) leasehold at the Des Moines International Airport.(Council Communication No. 97-110). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-723 62. On City Council-initiated City-wide rezoning of property in the general vicinity south of the Raccoon River and Des Moines River to the South City Limits, from R-2 (One and Two Family Residential) to a Single Family District and to find this in conformance with the 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-724 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-725 63. On amendment to the Zoning Ordinance regulations regarding duplexes. **Moved by Phillips to adopt. Motion Carried 7-0.**



97-726 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-727 64. On application from Tim Erickson, Erickson Excavating, Inc., to rezone property in the 2501 block of E. Army Post Road, from "R1-80" (One Family Residential) and "A-1" (Agricultural District) to "PUD" (Planned Unit Development) Conceptual Plan entitled Three Lakes Estates, to provide 261 single family lots and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-728 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-729 65. On request from Paul E. and Gail L. Heuss, for voluntary annexation of 5555, 5605 and 5611 Meredith Drive. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-730 (A) On rezoning of the property from "A-1" (Agricultural District) and C-2 (General Highway Oriented Commercial) to a PUD (Planned Unit Development) for 58 condominiums and one single family unit. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-731 (B) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

97-732 66. On vacation and conveyance of a portion of the Delaware Avenue right-of-way north of Euclid, to Ruan Incorporated, \$11,400, (to correct error in legal description). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-733 (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 6-1. Absent: Daniels.**

97-734 (B) Final consideration of ordinance above, (waiver requested by Ruan, Inc.), requires six votes. **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, #13,437. Motion Carried 6-1. Absent: Daniels.**

97-735 67. On consideration of proposed Annual Operating and Capital Improvement Program Budgets for Fiscal Year ending June 30, 1998, and approving amendments to Debt Management Policy and Tax Increment Policy. **Moved by McPherson to adopt with the following exceptions: 1. Delete \$500,000 each from the Sanitary Sewer and Storm Water Utilities budgets that was designated for Community Policing. The funds should be used for actual construction projects. 2. Delete change to TIF policy, and set informal hearings for the 3-17-97 and 3-24-97 Council meetings, and come back to Council for a decision at the 4-7-97 meeting. 3. Fund the \$32,000 for Sherman Hill Street Lights from TIF funds. 4. Council to meet with a Sub-Committee of the Strategic Plan Committee in November to establish**

**goals and priorities for the City and help set direction for future budgets. 5. Attached list of scrivener's errors. Motion Carried 6-1. Nays: Daniels.**

97-736 (A) On Amendment to the Annual Operating Budget for Current Fiscal Year ending June 30, 1997. **Moved by McPherson to adopt with exception for Airport Security Camera Project - Expenditure and Revenue estimates reduced \$77,000 in 1996-97. Motion Carried 6-1. Nays: Daniels.**

97-737 (B) Request from Council Member Daniels to discuss Hotel/Motel Tax Funding for Greater Des Moines Sports Authority (\$10,000). **Moved by Hensley to defer to 3-17-97 on this request, and the request for \$25,000 from Downtown Partnership. Motion Carried 7-0.**

\* \* END HEARINGS at 8:24 P.M. \* \*

**\*\* Council considered Items 72 - end of agenda next\*\***

### **APPROVING**

68. Agreements with Veenstra & Kimm, Inc. to perform professional Engineering Services in conjunction with the following:

97-738 (A) Aurora Avenue/Debra Heights Trunk Sewer Subsystems, Sewer System Evaluation Survey - \$141,999. (Council Communication No. 97-105). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-739 (B) Bloomfield Trunk Sewer Subsystem, Sewer System Evaluation Survey - \$478,042.40. (Council Communication No. 97-104). **Moved by Vlassis to adopt. Motion Carried 7-0.**

**WITHDRAWN**97-740 69. Contract with Carol Behrer, independent contractor, for Enterprise Community Grant Writer Project - \$50,000 Enterprise Community Social Service Block Grant (SSBG) Funds, (continued from 2-24-97). (Council Communication No. 97-108).

**WITHDRAWN**97-741 70. Contract with C. Marsh and Associates to develop draft plan for Enterprise Community Recovery Village Project - \$35,000 Social Service Block Grant (SSBG) Funds, (continued from 2-24-97). (Council Communication No. 97-107).

97-742 71. Approving the Resolution Supporting the Reversal of State Preemption of Local Tobacco Related Ordinances. **Moved by McPherson to approve. Motion Carried 7-0.**

**\*\* Council considered Hearing Items 61 - 67 next \*\***

97-743 72. Modified job specifications for Senior Fire Medic job classification. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-744 73. Form of Request For Proposals (RFP), for towing and storage of impounded vehicles, (continued from 2-24-97).(Council Communication No. 97-113). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

#### **CITY MANAGER RECOMMENDATIONS**

97-745 74. Regarding reimbursement amount as reflected in the Terms of Agreement with Principal Mutual Life Insurance for the Park and Ride Project. (Council Communication No. 97-111). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-746 75. Legislative Update for 76th Iowa General Assembly. **Moved by Vlassis to receive and file the report. Motion Carried 6-1. Absent: Daniels.**

#### **COUNCIL REQUESTS**

WITHDRAWN 97-747 76. Oral request from Council Member at Large Preston Daniels to speak regarding enlarging the Civil Service Commission.

#### **COMMUNICATIONS/REPORTS**

97-748 77. Communication from Ron Vernia, 4218 Aurora Avenue, Des Moines, regarding street lighting on Aurora Avenue. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

97-749 78. Request from Jerry Stenstrom, 5300 SE 1st Court, Apt. #52, Des Moines, to speak regarding Yeader Creek Trash Rack. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

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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.**

97-750 1. Request from Juwon Buchour, 1116 31st St., to speak regarding notification process on 31st and University Street Widening Project. SPONSOR: Hensley. **Moved by Hensley to receive, file and grant the request to speak. City Manager to report on notification process and arrange a meeting with affected property owners to review the proposed project and return to Council on 3-24-97. Motion Carried 7-0.**

97-751 2 Approving applications to Iowa Department of Transportation, to establish special access connections for section of Iowa Highway 28, approximately one-half mile south of Army Post Road. SPONSOR: Hensley. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-752 3 Ordering emergency repair of the 700 block of E. Granger Avenue Sanitary Sewer, and designate lowest responsible bidder as McAninch Corporation, (Duane McAninch, President, WDM) \$40,809. SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-753 4 Request from Antonio Prieto, 3414 SW 28th Street, to speak regarding TCI Spanish Programming, and submitting petitions and letters. SPONSOR: Phillips. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

## **A G E N D A**

### **BOARD OF HEALTH**

**March 3, 1997**

97-754 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

### **COMMUNICATION**

97-755 1. Regarding demolition cost reserve escrowed for 3317 Douglas Avenue. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

### **AUTHORIZING**

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

97-756 (A) 817 Douglas Ave., vacant, TITLEHOLDER: Juanita F. Andrews, DECEASED; HEIRS OF TITLEHOLDER: Eldon J. Andrews, Nadine Ross and Donald Ross. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-757 (B) 711 Filmore, vacant, TITLEHOLDER(S): Steve Bassman, and Penny Bassman; CONTRACT BUYER(S): Paul L. O'Neal, Bonnie O'Neal, and Carolyn K. O'Neal; LEGAL INTEREST HOLDER(S): Marilyn L. Sly, Lisa Meggison, Michael Meggison, Polk County, Iowa, C/O General Services Department, Attn: Frank Mauro, Polk County, Iowa, Attn: Eliza Ovrom, Assistant County Attorney, Chief of Civil Bureau, Polk County, Iowa, Attn: Bob Raker, Administrative Analyst II, General Services, Department, and Polk County, Iowa, Attn: Norman Jessee, Administrative Office Building. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-758 (C) 1355 Hutton, vacant, TITLEHOLDER: Deloris M. Turner; LEGAL INTEREST HOLDER: Associates Finance, Inc., Attn: Prentice Hall Corporation System, Register Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-759 (D) 3224 SW 2nd, vacant, TITLEHOLDER: Judith R. Anzivino, and David L. Anzivino. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-760 (E) 1111 E. 9th St., vacant, TITLEHOLDER(S): Jerry R. Lamb, Yvonne T. Gillespie, and Norman R. Sluis, DECEASED: HEIRS OF NORMAN SLUIS: Ronald Sluis, Robert Sluis, Norman Sluis, Barbara Veach, Gary Sluis, Caryle Brosit, Pat Sluis and Darlene Kooiker; LEGAL INTEREST HOLDER(S): Rod Powell, Black, Goldman & Powell, P.C. n/k/a Goldman & Carroll, P.C., Attn: David H. Goldman, Registered Agent, Ronald Sluis and Karen Sluis, James Nervig, and Nancy F. Nervig. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-761 2. (F) 1239 10th St., vacant, TITLEHOLDER: Evans L. Parker, DECEASED: HEIRS OF EVANS L. PARKER: Evanette Webster, Don Webster, Teena Edwards, Ben Edwards, Harry Parker, Coleen Parker, Evans L. Parker, Jr., Denise Parker, and Keith Parker - #206427, Attn: Jim Helling, Acting Warden, Iowa State Penitentiary. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-762 (G) 810 E. 21st Ct., vacant, TITLEHOLDER(S): Margaret E. Grimes, a/k/a Peggy Grimes, Harold J. Grimes a/k/a Jack Grimes; CONTRACT BUYER: Billy J. Boydston. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-763 3. Release of demolition cost reserve held under Claim number 14k50427 regarding property known as 1648 16th St. owned by TITLEHOLDER(S): Charles Walker, and Sandra Walker. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-764 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:02 P.M.**