

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 21, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Arbor Day
- (b) Christmas in April - Greater Des Moines Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

OFFICIAL RECOGNITION

Douglas Acres Neighbors Association

INVOCATION: Rev. Bernie Colorado

Union Park United Methodist Church

97-1250 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips. Absent: Vlassis. A Quorum of five (5) was declared.**

97-1251 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1252 I. Continued City Council discussion regarding Mayoral vacancy. **Moved by Daniels to discuss, and continue to 4-28-97. Motion Carried 5-1.**

97-1253 (A) Petitions filed with the City Clerk requesting the City Council to set a date for a special election to fill the unexpired term of Mayor at the earliest possible date, (390 signatures on file in the Clerk's Office) **Moved by McPherson to receive and file. Motion Carried 5-1.**

97-1254 II. Communication from John Burgeson, Chair of Capitol Gateway East Steering Committee regarding progress and current status of Capitol Gateway East Urban Design Project. **Moved by McPherson to receive and file. Motion Carried 5-1.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

97-1255 3. APPROVING CONSENT AGENDA - items 3 through 78: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 5-1.**

LICENSES AND PERMITS:

Approving

97-1256 4-I Communication from Legal Department regarding April 21, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 5-1.**

Class "B" Beer Licenses

97-1257 5-I David Stone dba Frank and Margaret's, 218 6th Street; New Application submitted 3-7-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "C" Beer Licenses

97-1258 6-I Randolph Investment Corporation, Joseph M. Coppola, President dba 4th Street Grocery, 210 4th Street; Renewal - Expires 5-28-97 (With Sunday Sales) - Application submitted 3-28-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1259 7-I Krueger Enterprises, Inc., Donald W. Krueger, President dba Southgate Amoco, 3401 Southeast 14th Street; Renewal - Expires 5-29-97 (With Sunday Sales) - Application submitted 3-27-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1260 8-I Mora, Inc., Manuel Mora, President dba La Tapatia, 1700 East Grand Avenue; Renewal - Expires 5-1-97 (With Sunday Sales) - Application submitted 4-4-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "E" Beer Licenses

97-1261 9-I AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-97 (With Sunday Sales) - Application submitted 3-27-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1262 10-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #530, 2300 East 14th Street; Renewal - Expires 6-16-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1263 11-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #516, 901 East University; Renewal - Expires 6-16-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1264 12-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #534, 2945 East University; Renewal - Expires 7-14-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1265 13-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #535, 1501 East Grand Avenue; Renewal - Expires 6-26-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1266 14-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #558, 2423 Euclid; Renewal - Expires 7-16-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1267 15-I QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #554, 141 Southwest 63rd Street; Renewal - Expires 7-8-97 (With Sunday Sales) - Application submitted 4-10-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "C" Beer-Wine Licenses

97-1268 16-I Easy Starts Restaurant, Inc., Peter Ligdis, President dba Olympic Flame Restaurant, 514 East Grand Avenue; Renewal - Expires 5-13-97 - Application submitted 3-19-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "B" Liquor Licenses

97-1269 17-I Raccoon River Brewing Company, Inc., E. Jeffrey Hunter, Manager dba Raccoon River Brewing Company, 200 10th Street; New Application (With Sunday Sales) - Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "C" Liquor Licenses

97-1270 18-I All In The Family Lounge, Inc., Helen L. Gordon, President dba All In The Family Lounge, 4413 Fleur Drive; Renewal - Expires 5-1-97 (With Sunday Sales) - Application submitted 3-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1271 19-I UPT, Inc., Joseph P. Gatto, President dba Baratta's Restaurant, 2320 South Union; Renewal - Expires 4-30-97 (With Sunday Sales) - Application submitted 4-1-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1272 20-I Agnes L. Williams dba Club Rendezvous, 1016 University; New

WITHDRAWN Application (With Sunday Sales) - Application submitted 3-3-97.

97-1273 21-I Mills Corner Grocery, Inc., Lisa M. LaValle, President dba Des Moines Art Center, 4700 Grand Avenue; Renewal - Expires 4-25-97 (With Sunday Sales and Beer Garden) - Application submitted 3-24-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1274 22-I 801 Steak & Chop House, Inc., Alan R. Raxter, President dba 801 Steak & Chop House, 801 Grand Avenue #200, Renewal - Expires 4-28-97 (With Sunday Sales) - Application submitted 3-31-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1275 23-I Flanagan Corporation, Tim Flanagan, President dba Flanagan's Restaurant, 2100 Ingersoll; Renewal - Expires 4-30-97 (With Sunday Sales and Beer Garden) - Application submitted 3-19-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1276 24-I Gene's Place, Ltd, Ronald Goodrich, President dba Gene's, 2117 East University; Renewal - Expires 5-9-97 (With Sunday Sales) - Application submitted 3-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1277 25-I 1000 Walnut Management Corporation, E. Jeffrey Hunter, President dba Hotel Fort Des Moines, 1000 Walnut - Floors II & III; New Application (With Sunday Sales) - Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1278 26-I JCS Enterprises, Inc., Harry R. Lancaster, President dba Jack and Randy's Southtown Tap, 3803 Southwest 9th Street; Renewal - Expires 5-5-97 (With Sunday Sales) - Application submitted 3-21-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1279 27-I Raccoon River Brewing Company, LLC, E. Jeffrey Hunter, Manager dba Raccoon River Brewing Company, 200 10th Street; New Application (With Sunday Sales) - Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1280 28-I I-80 Spaghetti Works Corporation, Brent Lambi, President dba Spaghetti Works and Julio's, 308-310 Court Avenue; Renewal - Expires 5-31-97 (With Sunday Sales and Beer Garden) - Application submitted 3-28-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1281 29-I The Sands Volleyball Club, Inc., Daniel Clark, President dba The Sands Volleyball Club, 6214 Grand Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

Class "E" Liquor Licenses

97-1282 30-I Hy Vee, Inc., Ronald Pearson, President dba Hy Vee #2, 2540 East Euclid; Renewal - Expires 5-4-97 - Application submitted 3-27-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1283 31-I AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, Inc., 2839 East University; Renewal - Expires 4-30-97 - Application submitted 3-27-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Authorizing

97-1284 32-I City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels.**

97-1285 33-I City Clerk to issue Coin-Operated Amusement Machines License. **Moved by Hensley to adopt. Motion Carried 5-1.**

Beer Gardens

97-1286 34-I Approving temporary beer garden for Drake University, Blair Stairs, Director of Food Services, dba Rathskeller, Olmsted Center, Drake Lounge, Sports & Recreation Center, Mainstay, 29th & University; Application submitted 4-11-97 for events to be held April 25 and 26, 1997 (Drake Relays). Subject to submission of building, electrical, and fire inspections. **Moved by Hensley to adopt. Motion Carried 5-1.**

Refunds

97-1287 35-I City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 5-1.**

PUBLIC IMPROVEMENTS

97-1288 1. Approving request from City of Pleasant Hill to use Scott Street, from Pleasant Hill Corporate limits to SE 30th Street, for detour traffic during construction of exchange of relocated Highway 65. **Moved by Flagg to receive, file and grant conditional approval, subject to City Manager obtaining commitment from Pleasant Hill City Council to restore street to its present condition after use as a detour; and, to limit use as detour for a specific time; formal agreements to be negotiated for City Council approval to meet terms of this motion/agreement. Motion Carried 5-1.**

97-1289 2. Authorization for City Manager to proceed with Neighborhood Infrastructure Rehabilitation Program (N.I.R.P.) for maintenance and construction activities with objective of enhancing neighborhood property values. (Council Communication No. 97-193). **Moved by McPherson to adopt. Motion Carried 5-1.**

97-1290 3. Approving Intergovernmental 28E Agreement with Polk County Conservation Board for Airport Wetlands Mitigation, due to construction of Runway 5 extension and related Airport Projects. (Council Communication No. 97-217). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1291 4. Approving authorization for City Manager to proceed on various Public Works 1997-1998 Capital Improvements Program Projects - \$1,284,000. (Council Communication No. 97-192). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1292 5. Authorization to proceed on 1997 Storm Sewer Gate Repair Project - \$50,000. (Council Communication No. 97-212). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1293 6. Amendment to agreement with Brown and Caldwell to perform engineering design services for WRA Raw Sewage Pumping Station project - \$497,516.47. (Council Communication No. 97-213). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1294 7. Professional Services Agreement with Snyder & Associates, Inc., for Southeast Diagonal Corridor Study - \$85,698. (Council Communication No. 97-211). **Moved by Hensley to adopt. Motion Carried 5-1.**

8. Asphalt Stabilization Schedule No. 1997-47:

97-1295 (A) Fixing Values of Lots. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1296 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1297 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1298 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

9. Asphalt Stabilization Schedule No. 1997-46:

97-1299 (A) Fixing Values of Lots. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1300 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1301 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1302 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1303 10. Resolution ordering construction of the Des Moines WRA Regional Facilities Phase 12-Southwest Outfall Relief Sewer Segment 1A, Receiving of Bids, (5-13-97), and Setting Date of Hearing, (5-19-97), (Construction Estimate - \$542,285). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1304 11. Approving Official Street Construction Program Report for July 1, 1997 thru June 30, 2002 and submission of reports to Iowa Department of Transportation to continue eligibility for Road Use Tax allotments. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1305 12. Approving Agreement with the Iowa Department of Transportation for the Northwest Side Signal Upgrading Project. (Council Communication No. 97-194). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1306 13. Approving completion and recommending acceptance of the construction of Sanitary Sewer Improvements at 4700 SE 34th Street, Lots 1,2,3 and 4 of Rothfus Acres between

McAninch Corporation, Contractors, and L.J. Rothfus Construction Co., L.J. Rothfus, Owner. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1307 14. Approving Release of Chapter 573 Code of Iowa claim by Electric Pump and Tool Service, Inc. for Storm Water Project, against Barbarossa & Sons, Inc. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1308 15. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See Roll Call for list). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1309 16. Approving partial payments on nine public improvement projects. (see roll call for list). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1310 17. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 51 locations, (see roll call for list). **Moved by Hensley to adopt. Motion Carried 5-1.**

SPECIAL ASSESSMENTS

97-1311 18. Resolution Levying Assessments for Costs of 1996 Driveway Approach, Consent and Waiver Schedule No. 1997-49, and providing for payment. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1312 19. Resolution Levying Assessments for Costs of Nuisance Abatement-NAC (Sidewalk Repairs) Schedule No. 1997-48 and providing for payment. **Moved by Hensley to adopt. Motion Carried 5-1.**

LAND/PROPERTY TRANSACTIONS

97-1313 20. Approving Farm Market Cash Rent Lease with 80 Acres on NE 46th North of Broadway (Softball Complex) with John Jensen - \$8,800 Revenue, (continued from 4-7-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1314 21. Purchase of 1503 E. Walnut, from Patricia R. Payne, in conjunction with Capital East Neighborhood Urban Renewal Area - \$13,000. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1315 22. Purchase of 4100 E. University, from Alan Wayne King, in conjunction with Iowa 163 (University Avenue) and Williams Street Intersection Improvement - \$35,093.20. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1316 23. Approving Noise and Avigation Easements for eleven properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1317 24. Temporary Easement for Construction, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/S.E. 34th Street - Dean Avenue to Railroad Tracks, from White-Green Valley Trust, vacant land on E. 34th Street - \$75. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1318 25. Backslope and Property Adjustment Easement and Release, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/S.E. 34th Street - Dean Avenue to Railroad Tracks, from Board of Directors of the Iowa State Fair, on vacant land at southwest corner of Dean Avenue and E. 34th Street - \$25. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1319 26. Approving Certification of Title for Noise and Avigation Easements for twenty-eighty properties, in conjunction with the Airport Noise and Land Use Compatibility Plan. **Moved by Hensley to adopt. Motion Carried 5-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-1320 27. Approval and Recognition by the Neighborhood Advisory Board (NAB) for the Douglas Acres Neighbors Association - City limits on the north, Euclid Avenue on the south, Interstate 235 on the west, and Four Mile Creek on the east, (Special Presentation at 4:00 P.M.). (Council Communication No. 97-206). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1321 28. Recommendation for appointment of Maria Dunker, from the Hispanic Educational Resources, Inc., to the Enterprise Community Steering Committee, to replace Blanca Solano. (Council Communication No. 97-205). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1322 29. Nomination of Mayor Pro Tem Gene Phillips to appoint Preston Daniels to Board of Directors of Aging Resources of Central Iowa, one year term commencing immediately. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1323 30. Communication from Marylyn Bruce, submitting resignation from Logan Citizen Services Task Force and Des Moines Action Board, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 5-1.**

97-1324 31. Communication from Steve Drane, Staff for Citizen Odor Board notifying of resignation of Shann Etta Branchcomb, Helen Strauser, Jacquelin Jennings. **Moved by Hensley to receive, file and accept with regret; and, declare seats vacant. Motion Carried 5-1.**

97-1325 32. Communication from Kandi Amadeo, Recording Secretary to City Plan Commission notifying of resignation of Dr. Bruce Heilman. **Moved by Hensley to declare seat vacant. Motion Carried 5-1.**

97-1326 33. Communication from Pat Blunck, Chair, Greater Des Moines Sister City Commission, informing the Mayor Pro Tem and Council Members of the resignation of Julie Livers and requesting replacement as soon as possible. **Moved by Hensley to receive, file and declare the seat vacant. Motion Carried 5-1.**

STREET CLOSINGS

97-1327 34. Approving closure of the following City Streets: **Moved by Hensley to adopt. Motion Carried 5-1.**

(1) Downtown Farmer's Market, 601 Locust St. Suite 100-B, requesting permission to close Court Avenue from Fifth Street to Second Street from May 10, 1997 through October 25, 1997, every Saturday morning from 7:00 A.M. (5:00 A.M. for set-up) to 12:00 P.M.

(2) Court Avenue District Association, 216 Court Avenue, requesting permission to close Court Avenue from Third Street to the alley at mid block on Friday, May 16, 1997 from 5:30 P.M. to 12:00 A.M.

(3) Des Moines Police Department, 25 E. 1st Street, requesting permission to close the Walnut Street Bridge from West First Street to East First Street on Thursday, May 15, 1997 from 2:00 to 11:30 P.M.

(4) Nacho Mammias, 216 Court Avenue, requesting permission to close Court Avenue (Parking Lane Only) from Third Street to the alley at mid block on Saturday, May 3, 1997 from 6:00 P.M. to 1:00 A.M. on Sunday, May 4, 1997.

(5) International May Festival, 601 Locust, Suite 100-B, requesting permission to close Fourth Street from Court Avenue to Walnut Street on Saturday, May 10, 1997 from 7:00 A.M.(6:00 set-up) to 4:00 P.M. (5:00 tear down).

(6) Lincoln High School, 2600 SW 9th Street, requesting permission to close the West Lane of SW 9th Street from Bell Avenue to Loomis Avenue on Saturday, April 26, 1997 from 10:00 P.M. to 12:30 A.M. on Sunday, April 27, 1997.

CITY PLAN COMMISSION RECOMMENDATIONS

97-1328 35. Regarding request from Father Chamberlain of St. Joseph Catholic Church, for vacation and conveyance of a portion of a north/south street right-of-way in the vicinity of 3300 Easton Blvd. **Moved by Hensley to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 5-1.**

97-1329 36. Regarding request from Community Development Department for closing of a portion of University Court right-of-way south of University Avenue and east of 10th Street. **Moved by Hensley to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 5-1.**

97-1330 37. Submitting Architectural Advisory Committee recommendation regarding Wastewater Reclamation Authority's new lab facility. **Moved by Hensley to receive and file. Motion Carried 5-1.**

WITHDRAWN97-1331 38. Finding the Urban Renewal Plan for the Forest Avenue/Martin Luther King, Jr. Parkway Urban Renewal Area in conformance with the Des Moines 2000 Land Use Plan.

SETTING DATE OF HEARINGS

97-1332 39. On amendment to the Zoning Ordinance regarding radio, television and communication towers and other tall structures which exceed the general height limitation in the district bulk regulations, farmers' markets, festivals and carnivals, and flag lots, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1333 40. On amendments to the Zoning Ordinance regarding open space requirements in the "PBP" Planned Business Park District, garage sales, special event signage and definitions of what constitutes an accessory building or dwelling, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1334 41. On vacation and conveyance of East West alley right-of-way in the vicinity of 405 SE 35th Street, to Glenn Signs Jr, \$50, and Dean and Ruby Lettington, \$50. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1335 42. On application from O'Reilly Automotive, Inc., to rezone property at 2114 Martin Luther King Jr. Parkway, from a Limited "C-2" (General Retail and Highway Oriented Commercial District), to a "C-2", and to find this in conformance with Des Moines 2000 land Use Plan, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1336 43. On vacation and lease of a portion of the North/South alley right-of-way in the vicinity of 309 Court Avenue, to Madison Avenue Business Suites, Inc., and Court Avenue Brewing Company, 4 1/2 year term with renewal option, annual rental of \$1,076, (4-28-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1337 44. On 1996 Consolidated Plan Program Year Grantee Performance Report, (5-5-97). (Council Communication No. 97-207). **Moved by Hensley to adopt. Motion Carried 5-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-1338 45. Approving payment in amount of \$9,443.75 to Richard Butler for worker's compensation claim, subject to the approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Hensley to adopt. Motion Carried 5-1.**

CITY MANAGER COMMUNICATIONS

97-1339 46. Communication from City Manager regarding various traffic regulation changes (See Roll Call for changes). (Council Communication No. 97-209). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

97-1340 47. Submitting out-of-state travel requests for Inez Morrow, Floyd A. Jones, and Emily Gould-Chafa, Eric A. Anderson, Richard Clark, and Steven Schinkel. (Council Communication No. 97-

195). **Moved by Hensley to adopt. Motion Carried 5-1.**

APPROVING

97-1341 48. Intergovernmental 28E Agreement with Des Moines Independent Community School District to develop a shared playground and park area, and to provide a school crossing guard for two years, at Granger Elementary School, 101 E. Leach. (Council Communication No. 97-214). **Moved by Hensley to adopt. Motion Carried 4-1. Council Member McPherson declares a conflict of interest, and abstains from voting.**

97-1342 49. Intergovernmental 28E Agreement with State of Iowa for "Music Under The Stars" on State Capitol Grounds. (Council Communication No. 97-215). **Moved by Hensley to adopt. Motion Carried 5-1.**

50. Weatherization contract for assistance to low-income persons from April 1, 1997 to March 31, 1998 with Iowa Department of Human Rights/Division of Community Action Agencies:

97-1343 (A) Contract No. HEAP-98-07J-97 - \$183,572. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1344 (B) Contract No. DOE-97-07J - \$152,251. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1345 51. Amendment One to the 1993 HOME Agreement with Neighborhood Housing Services of Des Moines, Inc. to extend the contract to March 31, 1998. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1346 (A) Amendment One to the 1994 HOME Agreement with Neighborhood Housing Services of Des Moines, Inc. to extend the contract to March 31, 1998. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1347 52. Form of Loan Agreement and providing for issuance and securing payment of \$3,515,000 Airport Revenue Capital Loan Notes, Series 1997A. (Council Communication 97-197). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1348 53. Notice of annual revision of Airline fees and charges and notification of proposed effective date of July 1, 1997. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1349 54. Amendment to Cooperative Grant Agreement with U.S. Department of Housing and Urban Development (HUD), to grant an additional \$24,300 to the Des Moines Human Rights Commission, to process fair housing complaints, for Fiscal Year 96/97. **Moved by Hensley to adopt. Motion Carried 5-1.**

WITHDRAWN97-1350 55. Second Application Amendment for sixty (60) Sponsor-based Rental Assistance (SRA) units and authorizing execution of Shelter Plus Care Grant Agreement with U.S. Department of Housing and Urban Development. (Council Communication No. 97-199).

97-1351 56. Contract with Children and Families of Iowa (CFI) for \$9,000 in Weed and Seed Funds for tutoring and enrichment activities, for the period of February 1, 1997 through December 30, 1997.(Council Communication No. 97-202). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1352 57. Negotiation of a Contract with Children and Families of Iowa for the Enterprise Community Parent Leadership Project, for an amount not to exceed \$40,000 in Social Service Block Grant (SSBG) funds. (Council Communication No. 97-203). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1353 58. Enterprise Community Grant Application for \$175,000 in Executive Office for Weed and Seed Funds (EOWS). (Council Communication No. 97-204). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1354 59. Conditional commitment of \$200,000 in HOME Rental Rehabilitation funds for Phase II of multi-phase renovation project at Homes of Oakridge. (Council Communication No. 97-198). **Moved by Hensley to approve. Motion Carried 5-1.**

97-1355 60. Amendment to 1995 Public Housing Drug Elimination Grant Program (PHDEP) for budget revision and a six (6) month extension. (Council Communication No. 97-200). **Moved by Hensley to adopt. Motion Carried 5-1.**

61. Bids for the following:

97-1356 (A) Midco Supply, (2201 E. 17th Street, Bob Brown, President) for flanged valves to be used by the Engineering Department (Wastewater Reclamation Facility), \$12,565.96. (Seven bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1357 (B) Tri-State Pump and Control, Inc., (120 N.W. 54th Avenue, Scott Obernolte, President) for three (3) sludge pumps to be used by the Engineering Department (Wastewater Reclamation Facility), \$16,500. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1358 (C) James W. Bell Co., Inc., (4755 E. 14th Street, John W. Bell, President) for a bituminous paver to be used by the Public Works Department (Street Maintenance), \$129,907. (Eights bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1359 (D) Great Lakes Instruments, Inc., c/o Willco, Inc.), Omaha, NE, William S. Batson, President) for seven (7) dissolved oxygen systems including manuals, training support and spare sensors to be used by the Engineering Department (Wastewater Reclamation Facility),

\$12,093.75. (Seven bids mailed-seven received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1360 (E) Dewey Ford, Inc., (444 E. 4th, Mark Vukovich, President), Quality Ford, (West Des Moines, Franklin Green, President), and Mid-States Ford Truck Sales, (4300 NE 14th, Marv Perry, President) for various trucks and equipment specifications to be used by the Traffic and Transportation Department, \$273,622.22. (Thirteen bids mailed-six received). (See Roll Call for breakdown of trucks and equipment). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1361 61. (F) Primary and secondary suppliers of an annual contract for asphalt cement concrete mixtures to be used by the Public Works Department (Street Maintenance), Des Moines Asphalt & Paving Co., (903 S.E. 22nd Street, Robert G. Horner, President), and Grimes Asphalt and Paving Corporation, (Grimes, J. M. Yonker, President). (Two bids mailed-two received). (See Roll Call for specifications and prices). (Council Communication No. 97-191). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1362 (G) Owen Crist Auto Body Service, Inc., (1221 Keo Way, Lawrence H. Crist, President) and Mark's Starting Service, (200 S.E. 6th Street, Mark Anderson, President) for an annual agreement for towing and storage of abandoned vehicles for districts 1 and 2 (east and west side of City) to be used by the Police Department. (Eight bids mailed-two received). (See Roll Call for price breakdowns). (Council Communication No. 97-190). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1363 (H) Primary and secondary suppliers of portland cement concrete to be used by the Public Works Department (Street Maintenance), GNA Concrete, (6333 NW Beaver Drive, Max VanRess, President), American Concrete Products, Inc., (5145 NW Beaver Drive, Scott L. Temple, President), and Norwalk Ready Mix, (Norwalk, IA, Jack Bohlender, President). (Six bids mailed-three received). (See Roll Call for specifications and prices). **Moved by Flagg to adopt. Motion Carried 5-1.**

97-1364 62. Report of Civil Service Commission submitting Entrance Lists for Laborer, Recreation Supervisor, and Promotional Lists for Refuse Collection Supervisor, Assistant Operator, and Fire Prevention Inspector. **Moved by Hensley to receive and file. Motion Carried 5-1.**

97-1365 63. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1366 64. Authorizing Finance Director to draw warrants on registers of April 25, 1997 and the bills of the Des Moines Municipal Housing Agency for the week beginning April 21, 1997, and the biweekly payroll due employees on April 25, 1997. **Moved by Hensley to adopt. Motion Carried 5-1.**

ORDINANCES - FINAL CONSIDERATION

97-1367 65. Amending Chapter 2 of the Municipal Code regarding composition of the Civil Service Commission. **Moved by Hensley that this ordinance do now pass, #13,452. Motion Carried 4-1. Pass: Flagg.**

97-1368 66. Amending Section 2-362.03 of the Municipal Code regarding powers of the Airport Board being subject to limitations imposed by revenue bonds or pledge orders. **Moved by Hensley that this ordinance do now pass, #13,453. Motion Carried 5-1.**

97-1369 67. Amending Chapter 15 of the Municipal Code regarding fees for aquatic centers and swimming pools. **Moved by Hensley that this ordinance do now pass, #13,454. Motion Carried 5-1.**

97-1370 68. Amending Chapter 15 of the Municipal Code regarding Blank Park Zoo Admission fees. **Moved by Hensley that this ordinance do now pass, #13,455. Motion Carried 5-1.**

97-1371 69. Amending Section 27-1606 of the Municipal Code regarding loading zone on Fifth Avenue on the east side, from Walnut to a point 125 feet north. **Moved by Hensley that this ordinance do now pass, #13,456. Motion Carried 5-1.**

97-1372 70. Establishing the grade for Caulder Avenue from SW 13th Place to SW 14th Street, SW Eighth Street from Kenyon to Porter, and E. 33rd Street from E. Euclid to E. Douglas. **Moved by Hensley that this ordinance do now pass, #13,457. Motion Carried 5-1.**

97-1373 70-I Vacating E. 21st Street right-of-way north of Guthrie and south of Morton. **Moved by Hensley that this ordinance do now pass, #13,458. Motion Carried 5-1.**

ORDINANCES - SECOND CONSIDERATION

97-1374 71. Amending Section 27-2128 of the Municipal Code regarding "No Stopping-No Standing" parking restrictions on both sides of East Douglas Avenue in front of Douglas Elementary School. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1375 72. On rezoning of land within the City and Northeast of the Des Moines River presently zoned R-2, to a Single Family District. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

(A) Final consideration of ordinance above. **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, #13,459. Motion Carried 5-1.**

97-1377 73. On rezoning of property in the vicinity of 3140 Easter Lake Drive, from "R1-90" (Large Lot One Family Residential) and "P.U.D." (Planned Unit Development) to a "P.U.D." **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1378 74. On rezoning of property in the vicinity of 2815 Fleur Drive, from "R1-80" (One Family Residential) and Limited "C-0" (Commercial-Residential), and "P.U.D." (Planned Unit Development), to P.U.D. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1379 (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley). **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, #13,460. Motion Carried 5-1.**

97-1380 75. On rezoning of property in vicinity of 1514 Evergreen, from "C-4" (Shopping Center Commercial) to a P.U.D. (Planned Unit Development). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1381 76. On rezoning of property at 901-39th Street from "R-2" (One and Two Family Residential) to a "C-1A" (Neighborhood Commercial Reuse District). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1382 77. On rezoning of property at 2411 E. 36th Street, from "U-1" (Flood Plain District) to an "R1-60" (One Family Low Density Residential). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1383 78. On rezoning of property at 3014 E. 35th Street, from "U-1" (Flood Plain District) to a Limited "R1-60" (One Family Low Density Residential). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

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

ORDINANCES - FIRST CONSIDERATION

97-1384 79. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Parking prohibition in vicinity of fire hydrant on the East Side of 7th between High and Keo; Corner clearances-- on the north side of Pioneer Road West of SE 6th, on the East Side of E. 9th St. South of Filmore Street, on the North Side of Northwest Drive East of 60th Street, on the North Side of Geil Street West of SW 10th Street, and West Side of SW 10th Street South of Geil, and on the West Side of 24th Street South of Bennett Avenue and South Side of Bennett Avenue West of 24th Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

INFORMAL HEARINGS (Opened at 5:32 P.M.) (Item 80)

97-1385 80. On Second Consideration of ordinance rezoning property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from C-2 (Commercial-Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to a New "NPC" (Neighborhood Pedestrian Commercial)

District. **Moved by Hensley to continue consideration to April 28, 1997, at 5:30 P.M. Motion Carried 5-1.**

* * END INFORMAL HEARINGS at 5:32 P.M. * *

HEARINGS (Opened at 5:33 P.M.) (Items 81 thru 90)

97-1386 81. On Plans, Specifications, and Estimate of Costs for Asphalt Stabilization Schedule No. 1997-44. **Moved by Flagg to adopt. Motion Carried 5-1.**

ADOPTED (B) E. 14th Court from E. Vine Street north to End.

ADOPTED (C) E. 15th Court from E. Vine Street South to End.

ADOPTED (D) E. 16th Street from E. Court Ave. to E. Vine St.

ADOPTED (E) E. 19th Street from Dean Avenue to E. Walnut St.

ADOPTED (F) E. 29th Street from Dean Avenue to E. Walnut St.

ADOPTED (G) E. 31st Street from Dean Avenue South to End.

ADOPTED(H) E. 32nd Court from Carr Street to E. Court Avenue.

ADOPTED (I) E. 36th Street from Arthur Avenue from E. Sheridan.

97-1388 (1) Communication in objection. **Moved by Flagg to receive and file. Motion Carried 5-1.**

ADOPTED (J) E. 41st St. from E. University Avenue to Dubuque Avenue.

ADOPTED (K) Arthur Avenue from First Street to Saylor Road.

97-1387 (A) Resolution of Necessity. Moved by Flagg to adopt, and all objections filed having been fully considered and are hereby overruled. Motion Carried 5-1.

97-1389 82. On Plans, Specifications, and Estimate of Costs for Asphalt Stabilization Schedule No. 1997-45. **Moved by McPherson to adopt. Motion Carried 5-1.**

DELETE (B) Corning Avenue from Second Avenue to Oxford Street.

97-1391 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 5-1.**

ADOPTED (C) Garfield Avenue from E. 32nd St. to E. 33rd Street.

CONTINUE (D) Garfield Avenue from E. 35th Street to E. 36th Street.

97-1392 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 5-1.**

DELETE (E) Kinsey Avenue from E. 36th Street to E. 36th Court.

97-1393 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 5-1.**

ADOPTED (F) Logan Avenue from E. 19th Street to E. 19th Court.

ADOPTED (G) Pine Street from Filmore Street to E. University.

ADOPTED (H) E. Sheridan Avenue from 25' E. of West line of 2260 to E. 25th Street.

ADOPTED (I) E. Vine Street from Johnson Court to E. 16th Court.

CONTINUE (J) E. Walnut Street from E. 30th Street to E. 31st St.

97-1390 (A) Resolution of Necessity. Moved by McPherson to close the above hearing and defer action on the Resolution of Necessity to the regular meeting of 4-28-97.

97-1394 83. On application from Kevin Smith, Turkey Time Concessions, to rezone property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a Limited "M-1" (Light Industrial District), and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt rezoning of lots 12 and 13, excluding Lot #1. Motion Carried 3-2-1. Nays: Flagg and McPherson. Absent: Vlassis.**

97-1395 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage, as amended, excluding Lot #1. Motion Carried 5-1.**

97-1396 84. On application from Joseph P. Gatto, of UPT, Inc., (Baratta's Restaurant), to rezone property at 2320 South Union, from "R-2" (One and Two Family Residential) or "R1-60" (One Family Low Density,) to a "C-1" (Neighborhood Retail Commercial) and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by McPherson to adopt. Motion Carried 5-1.**

97-1397 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-1398 85. On Council-initiated rezoning of property located west of the Des Moines River and north of the Raccoon River, presently zoned "R-2" to a Single Family District Classification. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1399 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-1400 86. On vacation and conveyance of East/West alley in the vicinity of 1611-27th Street, to National Benevolent Association of Christian Church (Disciples of Christ), \$100 plus costs, subject to easement stipulation. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1401 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 4-2. Absent: Daniels and Vlassis.**

87. On 1995 Paving Program No. 1, Contract No. 2:

97-1402 (A) Approving proposed plans, specifications and estimated cost. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1403 (B) Presentation of bidders. **Moved by McPherson to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1404 (C) Designating lowest responsible bidder as M. Peterson Construction Company, (Merlin E. Peterson, President, 4000 Delaware, DM), \$278,305.40. **Moved by McPherson to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1405 (D) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1406 88. On 1997 Pavement Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, Pres, Grimes), \$176,190. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1407 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1408 89. On Police Academy Shower Expansion; Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services, (Chris Brault, Owner, Urbandale), \$61,700. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1409 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

97-1410 90. On SE 15th Street & Scott Avenue Storm Pumping Station Alternate Power; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Electric Company of Greater Des Moines, Inc.,

(Larry Ball, President, Johnston), \$16,392.29. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: Daniels and Vlassis.**

* * END HEARINGS at 6:23 P.M. * *

****Council considered Item 99, 61-H, 65, 72 and 79 next; then the balance of the regular agenda.****

CITY MANAGER RECOMMENDATIONS

97-1411 91. Legislative Update for 76th Iowa General Assembly, (report available Monday, 4-21-97). **Moved by McPherson to receive and file. Motion Carried 5-1.**

APPROVING

97-1412 92. Sale of \$14,450,000 General Obligation Bonds, series 1997B, (Council Communication No. 97-196). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1413 93. Sale of approximately \$30,300,000 Sewer Revenue Refunding Bonds, series 1997C, (sale to be held at 11:00 A.M. on 4-21-97). (Council Communication No. 97-208). **Moved by Flagg to adopt. Motion Carried 5-1.**

97-1414 94. Selection of successful bidder for fleet maintenance and management services contract with Baker Support Service, Inc., Dan W. McDonald, President. (Council Communication No. 97-188). **Moved by Daniels to adopt. Motion Carried 4-1-1. Nays: McPherson. Absent: Vlassis.**

97-1415 95. Creation of a new Citizen Advisory Board on July 1, 1997, to replace the Des Moines Action Board, the Citizen Services Task Forces, and the Neighborhood Advisory Board, which are to be abolished on June 30, 1997.) (Council Communication No. 97-189). **Moved by Daniels to adopt, with recommendation that the word "neighborhood" be included in the title of the new Citizen Advisory Board. Motion Carried 4-1-1. Nays: McPherson. Absent: Vlassis.**

97-1416 (A) First consideration of ordinance above. **Moved by Daniels that this ordinance be considered and given first vote for passage. Motion Carried 4-1-1. Nays: McPherson. Absent: Vlassis.**

97-1417 (B) Recommendation from Neighborhood Advisory Board. **Moved by Daniels to receive and file. Motion Carried 5-1.**

97-1418 (C) Recommendation from Des Moines Action Board. **Moved by Daniels to receive and file. Motion Carried 5-1.**

96. Public Housing Management Assessment Program (PHMAP) regarding Residents' Policies for the following, (Council Communication No. 97-201):

97-1419 (A) Economic Uplift and Self Improvement Programs. **Moved by Flagg to adopt. Motion Carried 5-1.**

97-1420 (B) Resident Involvement and Input Policies. **Moved by Flagg to adopt. Motion Carried 5-1.**

97. Various Items regarding Fred Nesbit Distributing Company and Fitz-Gold L.L.C., to redevelop Disposition Parcel No. 30A, (Mattern Avenue east of De Wolf Street), Guthrie Avenue Business Park Urban Renewal Area (Council Communication No. 97-210):

97-1421 (A) Setting Date of Hearing to accept Developer-Initiated Redevelopment Proposal and enter into Agreement to Purchase Land for Private Redevelopment if no competing proposals are received, (6-2-97). **Moved by McPherson to approve. Motion Carried 5-1.**

97-1422 (B) Authorizing advertisement for competing Redevelopment Proposals subject, to certain requirements. **Moved by McPherson to approve. Motion Carried 5-1.**

97-1423 (C) Authorizing City Manager to negotiate and execute a License Agreement, to conduct environmental testing, surveying and Civil Engineering work. **Moved by McPherson to approve. Motion Carried 5-1.**

97-1424 98. Creation of new job classification of Information Technology Director, (SPM), Range No. - ERIII. (Council Communication No. 97-216). **Moved by Hensley to adopt. Motion Carried 3-2-1. Nays: Flagg and McPherson. Absent: Vlassis.**

COUNCIL REQUESTS

97-1425 99. From Council Member At Large George E. Flagg regarding potential flooding near 63rd and Grand. **Moved by Flagg to discuss and refer to City Manager and appropriate staff for review and recommendation. Motion Carried 5-1.**

97-1426 100. From Council Member At Large, George E. Flagg regarding street excavation permit process. **Moved by Flagg to receive, file and discuss; refer to City Manager for a recommendation. Motion Carried 5-1.**

****Council Member McPherson left the meeting at 9:00 P.M.****

97-1427 101. From Council Member Preston Daniels to discuss policing in area of Evelyn Davis Park, King Elementary, and Edmunds Schools. **Moved by Daniels to discuss and refer to City Manager for review and recommendation. Motion Carried 4-2. Absent: McPherson and Vlassis.**

COMMUNICATIONS/REPORTS

97-1428 102. From Woman's Christian Temperance Union of Iowa requesting abatement of assessment and interest for property at 1055 22nd Street, (continued from April 7). **Moved by Flagg to receive and file. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1429 (A) Communication from Drake Park Neighbors for Action. **Moved by Flagg to receive and file. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1430 (B) Resolution to delete Special Assessments levied against property at 1055 22nd Street. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1431 103. From TCI of Central Iowa submitting revised rate schedule to be implemented in June. **Moved by Flagg to receive and file. Motion Carried 4-2. Absent: McPherson and Vlassis.**

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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.

97-1432 1. Setting Date of Hearing on conveyance of property in the vicinity of Iowa Highway 28 (SW 42nd) and County Line Road, and ratification of Addendum Development Agreement, ABC Partners L.P., \$1,021,910, (4-28-97). SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1433 2. Oral request of Council Member Hensley to discuss SCRUB Program for various neighborhoods. SPONSOR: Council Member Hensley. **Moved by Hensley to receive, file, discuss and refer to City Manager for a report in one week. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1434 3. Various communications regarding proposed demolition of the Shops Building, (southwest corner of Eighth and Walnut). SPONSOR: Council Member Hensley **Moved by Hensley to receive, file and direct a letter to Norwest requesting them to reconsider demolition, and consider rehabilitation and restoration instead. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1435 4. Approving Resolution of Intent, regarding proposed Des Moines Agribusiness Park - Meat Packing Facility. SPONSOR: Mayor Pro Tem Phillips. **Moved by Daniels to adopt. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1436 5. Approving preliminary approval for a Local Contribution from the City, to Don Huss, dba Word of Mouth Interior Design, 314 6th Avenue, and approving Council policy to establish criteria for future proposed economic development assistance in downtown. SPONSOR: Council Member Hensley. (Council Communication No. 97-218). **Moved by Daniels to approve. Motion Carried 4-2. Absent: McPherson and Vlassis.**

A G E N D A

BOARD OF HEALTH

April 21, 1997

97-1437 MOTION TO CONVENE. **Moved by Flagg that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-2. Absent: McPherson and Vlassis.**

COMMUNICATION

1. Regarding demolition cost reserve escrowed for the following:

97-1438 (A) 3812 Franklin Avenue. **Moved by Flagg 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 4-2. Absent: McPherson and Vlassis.**

97-1439 (B) 1212 E. 17th St. Ct. **Moved by Flagg 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 4-2. Absent: McPherson and Vlassis.**

AUTHORIZING

97-1440 2. Court authority to abate the public nuisance at 1801 M.L. King, Jr., Parkway (vacant) TITLEHOLDER: Millard M. Martin-Deceased; Gudrun Johnson, as Trustee for Thomas Berger Heir to Millard M. Martin. **Moved by Flagg to adopt. Motion Carried 4-2. Absent: McPherson and Vlassis.**

97-1441 MOTION TO ADJOURN. **Moved by Flagg to adjourn at 9:45 P.M.**