

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 28, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(a) Arthritis Month

(b) National Association of Letter Carriers - Food Drive Day

INVOCATION: Pastor John Nipper, Park Avenue Presbyterian Church

97-1447 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, Phillips and Vlassis. Absent: McPherson.**

97-1448 I. Resolution of Assistance to Citizens of Grand Forks, North Dakota. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1449 (A) Resolution of Assistance to Citizens of East Grand Forks, North Dakota. **Moved by Flagg to adopt. Motion Carried 5-1.**

97-1450 II. Presentation by Steve Justice, President, Corporation for Economic Development in Des Moines, on available Corporation programs and their impact on employment and tax base. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

97-1451 (A) Approval of FY 1997 Intergovernmental 28E Agreement with The Corporation for Economic Development in Des Moines. (Council Communication No. 97-241). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1452 III. Continued City Council discussion regarding Mayoral vacancy. **Moved by Vlassis to discuss. Motion Carried 5-1.**

97-1453 (A) Authorizing Notice of Intent by Des Moines City Council to fill present Mayoral vacancy by appointment, until the next regular Municipal Election, (November, 1997). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1454 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1455 3. APPROVING CONSENT AGENDA - items 3 through 71: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 5-1.**

LICENSES AND PERMITS:

Approving

97-1456 4. Communication from Legal Department regarding April 28, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 5-1.**

Class "B" Beer Licenses

97-1457 5. S & L Food Services, Inc., Ronald H. Smith, President dba Mustards Restaurant, 2923 Southwest 9th Street; Renewal - Expires 5-13-97 (With Sunday Sales) - Application submitted 4-9-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1458 6. Krane Speciality, Inc., George A. Kranovich, President dba Steer & Stein, 3000 E. Grand, Iowa State Fairgrounds; Renewal - Expires 6-4-97 (With Sunday Sales and Beer Garden) - Application submitted 4-14-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Class "B" Wine Licenses

97-1459 7. Trittoria Foods, Inc., Alyce K. Mattis, President dba The Trattoria, 207-215 4th Street; New Application submitted 4-3-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Class "C" Liquor Licenses

8. NUMBER NOT USED.

97-1460 9. Riverhouse, Inc., Craig Kelso, President dba Des Moines Yacht Club, 2617 Ingersoll; Renewal - Expires 5-5-97 - Application submitted 4-4-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1461 10. Evelyn Rogers dba Evy's, 1119 Grand Avenue; Renewal - Expires 5-20-97 (With Sunday Sales) - Application submitted 4-9-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1462 11. Les & Marcia, Inc., Lester L. Brewer, President dba Kelly's Little Nipper, 1701 East Grand; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-24-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1463 12. Lui Restaurants, Inc., Shea (Sue) Lui, President dba The Mandarin, 3520 Beaver; Renewal - Expires 4-30-97 (With Sunday Sales) - Application submitted 3-31-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1464 13. Mercy Hospital Cafeteria, Thomas A. Reitingger, President dba Mercy Hospital Medical Center, 400 University Avenue; Renewal - Expires 5-31-97 - Application submitted 4-3-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1465 14. D.T. Corner, Inc., Larry Smithson, President dba PaPa's Planet, 206-208 - 3rd Street; Renewal - Expires 5-4-97 (With Sunday Sales and Beer Garden) - Application submitted 3-31-97. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

Authorizing

97-1466 15. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Daniels. Absent: McPherson**

97-1467 16. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 5-1.**

Beer Gardens

97-1468 17. Approving two (2) temporary beer gardens for Jim Stevens, Manager dba Nacho Mamma's, 216 Court Avenue; Applications submitted 4-18-97 for events to be held May 3 and 4 (Cinco De Mayo Dance and Ethnic Fest) and May 16 and 17, (Central Iowa "Blues Challenge Championship"). Subject to submission of acceptable building inspections. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1469 18. Approving permanent beer garden including expansion of existing business for Trittoria Foods, Inc., Alyce Mattis, President dba The Trattoria, 207 4th Street - Application submitted 4-3-97. **Moved by Hensley to adopt. Motion Carried 5-1.**

Refunds

97-1470 19. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 5-1.**

PUBLIC IMPROVEMENTS

97-1471 20. Approving Professional Service Agreement with Snyder & Associates, Inc., for Right-of-Way Acquisition Services for Seventh Ward Ditch Easton Detention Basin. (Council Communication No. 97-238). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1472 21. Approving Professional Services Agreement with CH2M HILL for Southwest Diagonal Corridor Study - \$117,887. (Council Communication No. 97-237). **Moved by Hensley to adopt. Motion Carried 5-1.**

WITHDRAWN 97-1473 22. M.L. King Jr. Parkway Value Engineering Contract, with Lewis and Zimmerman Inc. (Council Communication No. 97-240).

97-1474 23. Approving Change Order No. 1 with United Contractors, Inc. for additional work in conjunction with E. Euclid Avenue and Delaware Avenue Intersection Reconstruction contract - \$21,382.98. (Council Communication No. 97-226). **Moved by Hensley to adopt. Motion Carried 5-1.**

24. Resolution Ordering Construction of the following:

97-1475 (A) The Science Center of Iowa Parking Lot and Park Road Improvements, Receiving of Bids, (5-13-97), and Setting Date of Hearing, (5-19-97), (Construction Estimate - \$104,085). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1476 (B) 1997 Pavement Milling, Receiving of Bids, (5-13-97), and Setting Date of Hearing, (5-19-97), (Construction Estimate - \$81,250). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1477 25. Approving Contract and Bond for SE 15th Street & Scott Avenue Storm Pumping Station - The Electric Company of Greater Des Moines, Inc., Larry Ball, President - 16,392.29. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1478 26. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the Police/Fire Dispatch Remodeling, Venter Spooner, Inc., \$233.11 is now due, remaining balance of \$16,326.69 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1479 27. Communication from Grimes Asphalt & Paving Corporation requesting permission to sublet certain items on 1997 Pavement Replacement Program. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1480 28. Approving partial payments on two public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 5-1.**

SPECIAL ASSESSMENTS

97-1481 29. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of April, 1997, Schedule No. 1997-24, for certification to Polk County Treasurer (see roll call for various amounts). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1482 30. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for April, 1997. **Moved by Hensley to adopt. Motion Carried 5-1.**

LAND/PROPERTY TRANSACTIONS

97-1483 31. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement, from Doug Bronner, 1112 Williams Street - \$50. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1484 32. Permanent Easement for Storm Sewer Right-of-Way, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/SE. 34th Street, Dean Avenue to Railroad Tracks, from Leslie A. and Yvonne A. Norman, for vacant land in the 3300 block of Scott Avenue - \$4,475. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1485 33. Approving Noise and Avigation Easements for five properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 5-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-1486 34. Recommendation of Mayor Pro Tem Gene Phillips, for the appointment of Roger A. Johnson to the Civil Service Commission, for a six-year term to expire the first Monday in April, 2003. **Moved by Hensley to adopt. Motion Carried 5-1.**

SETTING DATE OF HEARINGS

97-1487 35. On vacation and conveyance of North/South alley and portions of the SE Fifth and Allen Street rights-of-way to Scott Street Enterprises, \$450 plus costs, (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1488 36. On vacation and conveyance of a portion of E. 33rd Street right-of-way between E. Euclid and E. Douglas, to Bernard J. Baker III, (previous actions contained an error in the legal description), (5-5-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1489 37. On application from Randy E. Bainter to rezone property at 3951 and 3935 Mattern Avenue, from "U-1" (Flood Plain District) to a Limited "R1-60" (One Family Low Density Residential) and to find this in conformance with the Des Moines 2000 Land Use Plan, (5-19-97). **Moved by Hensley to adopt. Motion Carried 5-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-1490 38. Approving payment in amount of \$4,963.55 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for representation of the City in case of Jerry Thompson v. City. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1491 39. Approving payment in amount of \$19.00 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1492 40. Approving payment in amount of \$237.85 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran. **Moved by Hensley to approve payment. Motion Carried 5-1.**

CITY MANAGER COMMUNICATIONS

97-1493 41. Communication from the City Manager submitting the City of Des Moines Employee Work Place Policy Handbook (formerly the Equal Opportunity Program/Affirmative Action Plan). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1494 42. Communication from City Manager regarding traffic regulation change for consideration of Handicapped Parking in front of 1153 - 24th Street. (Council Communication No. 97-225). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

97-1495 43. Submitting out-of-state travel requests for Drew Burham, Robyn Ellert, Pam McAdams, Mike Matthes, and Eric Anderson. (Council Communication No. 97-221). **Moved by Hensley to adopt. Motion Carried 5-1.**

APPROVING

97-1496 44. Amendment Two to the Skywalk Agreement, for the construction of Skywalk Bridge across Ninth Street, with the Graham Group, Inc., and Equitable Life Insurance Company of Iowa, which provides monthly reimbursement payments to The Graham Group, Inc. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1497 45. Des Moines Metropolitan Planning Organization 1998 Unified Planning Work Program and Budget. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1498 46. Award of Liquor concession agreement with Embassy Suites for Simon Estes Riverfront Amphitheater, to 1-15-2000; twenty percent (20%) of gross to City. (Council Communication No. 97-235). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1499 47. Grant application for Federal Asset Forfeiture Funds to support bicycle patrol and drug and violent crime task force in Weed and Seed/Enterprise Community. (Council Communication No. 97-227). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1500 48. Annual renewal addendum to renew contract for professional service with Employee Assistance Program (EAP) - \$22,800. (Council Communication No. 97-230). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1501 49. Selection of McGladrey & Pullen, Certified Public Accountants and Consultants, for recruiting of Information Technology Director and Human Resources Director. (Council Communication No. 97-233). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1502 50. Annual License and Areaway permits for Tran-Sit Bench Company, for 208 benches at various locations. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1503 51. Release of City Liens against Polk County Tax Sale Property, 1008 E. 9th Street, to clear title objection. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1504 52. Approving application from Community Development for 1997-98 CSBG (Community Services Block Grant) Program Year for \$336,334 in CSBG funds for the period of October 1, 1997 to September 30, 1998. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1505 53. Issuance and securing payment of \$30,150,000 Sewer Revenue Refunding Bonds,

series 1997C. (Council Communication No. 97-223). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1506 (A) Redemption of outstanding Sewer Revenue Bonds, series 1987, directing that notice of redemption be given, and approving Form of Trust Agreement. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1507 54. Issuance of \$14,450,000 General Obligation Bonds, Series 1997B. (Council Communication No. 97-222). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1508 55. City Manager's Monthly Financial Report for March, 1997. **Moved by Hensley to receive and file. Motion Carried 5-1.**

56. Bids for the following:

97-1509 (A) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for a truck tractor and end dump trailer to be used by the Engineering Department (Wastewater Reclamation Facility), \$66,784. (Nine bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1510 (B) Dave's Lawn Service, (118 S.E. Emma, Dave Hubill, President) for grass trimming services to be used by the Park and Recreation Department (Laurel Hill Cemetery), \$11,160. (Seven bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1511 (C) James W. Bell Co., Inc. (4755 E. 14th Street, John W. Bell, President) for an air compressor to be used by the Park and Recreation Department, \$10,625. (Eleven bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1512 (D) Mid-States Ford Truck Sales, Inc., (4300 N.E. 14th Street, Marv Perry, President) for a cargo van to be used by the Park and Recreation Department, \$16,468.76. (Six bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1513 (E) Primary and secondary suppliers of construction materials to be used by the Public Works Department (Street Maintenance). (See Roll Call for vendors, materials specifications and prices). (Seven bids mailed-seven received). **Moved by Hensley to adopt. Motion Carried 5-1.**

56. Bids for the following, (continued):

97-1514 (F) Ben E. Allers, P.C. did not meet bid specifications required by the Community Development Department and bid awarded to History Pays!, (4215 N.W. Drive, James E. Jacobsen, President) for consultant to prepare facade renovation plans for commercial buildings in historic core of Highland Park, \$15,125. (Thirteen bids mailed-two received). (Council Communication No. 97-234). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1515 57. Report of Civil Service Commission submitting Entrance List for Truck Driver. **Moved by Hensley to receive and file. Motion Carried 5-1.**

97-1516 58. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1517 59. Authorizing Finance Director to draw warrants on registers of May 2, 1997 and the bills of the Des Moines Municipal Housing Agency for the week beginning April 28, 1997. **Moved by Hensley to adopt. Motion Carried 5-1.**

ORDINANCES - FINAL CONSIDERATION

97-1518 60. On vacation of East/West alley in the vicinity of 1611-27th Street. **Moved by Hensley that this ordinance do now pass, #13,461. Motion Carried 5-1.**

97-1519 61. 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 do now pass, #13,462. Motion Carried 5-1.**

97-1520 62. 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 do now pass, #13,463. Motion Carried 5-1.**

97-1521 63. 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 do now pass, #13,464. Motion Carried 5-1.**

97-1522 64. 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 do now pass, #13,465. Motion Carried 5-1.**

97-1523 65. 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 do now pass, #13,466. Motion Carried 5-1.**

97-1524 66. 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 do now pass, #13,467. Motion Carried 5-1.**

ORDINANCES - SECOND CONSIDERATION

97-1525 67. On rezoning of property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a Limited "M-1" (Light Industrial District) - excluding Lot #1. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1526 68. 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 second vote for passage. Motion Carried 5-1.**

97-1527 69. On rezoning of 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). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1528 70. 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 that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-1529 71. Amending Chapter 2 of the Municipal Code to create 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). **Moved by Vlassis that this ordinance be considered and given second vote for passage, with stipulation that appointments to the new board will be at the June 23, 1997 Council meeting. Motion Carried 5-1.**

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

ORDINANCES - FIRST CONSIDERATION

97-1530 72. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Loading Zone on the West Side of 5th Avenue North of Grand; Reduction in No Parking Any Time Restriction on the North Side of Corning Avenue East of 5th Avenue; Change Passenger Loading and Unloading to Bus Loading Zone on the North Side of Forest Avenue East of 19th Street. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

****Council considered 81 through 85 next on agenda****

INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 73)

97-1531 73. 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-0" (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 Vlassis to continue informal hearing to 5-5-97 at 5:30 P.M. Motion Carried 5-1.**

* * END INFORMAL HEARINGS at 6:35 P.M. * *

HEARINGS (Opened at 6:35 P.M.) (Items 74 thru 79)

74. On Asphalt Stabilization Schedule No. 1997-45 for the following, (continued from 4-21-97):

DELETED (A) Garfield Avenue from E. 35th Street to E. 36th Street.

DELETED (B) E. Walnut Street from E. 30th Street to E. 31st Street.

97-1532 (C) Approving Resolution of Necessity. **Moved by Vlassis to further amend and adopt, and with all other objections filed having been fully considered and are hereby overruled. DELETE--Garfield from E. 35th to E. 36th DELETE--E. Walnut from E. 30th to E. 31st. Motion Carried 4-2. Absent: Daniels and McPherson.**

97-1533 75. Communication from acting Community Development Director, regarding basis and rationale for designation of the Forest Avenue/Martin Luther King Parkway Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1534 (A) Communication from City Plan Commission, finding the Urban Renewal Plan for such Area in conformance with the Des Moines 2000 Land Use Plan. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

97-1535 (B) Resolution of necessity finding the Urban Renewal Area to be a blighted area appropriate for redevelopment. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1536 (C) Resolution closing the hearing on Urban Renewal Plan for the area. (Council Communication No. 97-239). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1537 76. On sale of property within Airport Business Park, Highway 28 (SW 42nd Street) and County Line Road, to ABC Partners, L.P. **Moved by Hensley to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-1538 (A) Approving Final subdivision plat for AIRPORT BUSINESS PARK PLAT No. 1. (Council Communication No. 97-228). **Moved by Hensley to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-1539 (B) Approving Escrow Agreement with ABC Partners, L.P., Des Moines Register and Tribune Company, and Mercantile Bank of Western Iowa, to assure timely completion of the public improvements. **Moved by Hensley to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-1540 77. 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 Co., 4 1/2 year term with renewal option, annual rental of \$1,076. **Moved by Hensley**

to adopt, subject to amendment removing Court Ave. Brewing as a Tenant in the Lease Agreement.

97-1541 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-1542 (B) Final consideration of ordinance above, (waiver requested by Court Ave Brewing). **Moved by Hensley that the rule requiring 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, #13,468. Motion Carried 5-1.**

97-1543 78. 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 Vlassis to adopt. Motion Carried 5-1.**

97-1544 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-1545 79. On E. Army Post Road at E. Indianola Avenue Intersection Improvements: Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cedar Valley Corp., (Stephen R. Jackson, Pres., Waterloo), \$902,652.56. **Moved by Hensley to adopt. Motion Carried 5-1.**

97-1546 80. On John R. Grubb YMCA Roof Replacement; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Roofing and Insulation Inc., (Richard Sucher, II, Pres., 7932 University Avenue, DM), \$75,440. **Moved by Vlassis to adopt. Motion Carried 5-1.**

* * END HEARINGS at 7:05 P.M. * *

****Council considered Items 86 through end of agenda next****

APPROVING

97-1547 81. Legislative Update for 76th Iowa General Assembly (Report available on Monday 4-28-97). **Moved by Flagg to receive and file report. Motion Carried 5-1.**

82. Various actions regarding the Park and Ride Facility Project:

97-1548 (A) Intergovernmental 28E Agreement with Polk County, for financing. (Council Communication No. 97-231). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1549 (B) Intergovernmental 28E Agreement with Metropolitan Transit Authority, (MTA), regarding construction and operation. (Council Communication No. 97-232). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1550 83. 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. 97-236). **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: McPherson.**

WITHDRAWN97-1551 84. Intergovernmental 28E Agreement between City of Des Moines, Polk County and Kiwanis Nature Island to construct a pedestrian bridge from Corning Avenue to Kiwanis' Nature Island. (Council Communication No. 97-243)

WITHDRAWN97-1552 (A) Fourth Amendment to the Kiwanis Nature Island Intergovernmental 28E Agreement with the Kiwanis Nature Island, Inc., that upon completion the City will accept ownership of the bridge and provide structural maintenance and Kiwanis will assume responsibility for operation and management of the bridge.

97-1553 85. Recommendation from the City Manager to appoint Kevin Riper, City Finance Director, as interim City Treasurer, effective April 28, 1997. (Council Communication No. 97-224). **Moved by Daniels to adopt. Motion Carried 5-1.**

****Council considered Hearing Items next at 5:30 P.M.****

97-1554 86. Pay Range change for classification of Maintenance Coordinator, Central Iowa Public Employees Council, (CIPEC), Range 23 to 25. (Council Communication No. 97-229). **Moved by Vlassis to adopt. Motion Carried 5-1.**

COUNCIL REQUESTS

97-1555 87. Communication from George Flagg, Council Member-at-Large, to discuss flood control project at The Park at Southern Hills. **Moved by Flagg to receive and file. Motion Carried 4-2. Absent: McPherson and Vlassis.**

COMMUNICATIONS/REPORTS

97-1556 88. Request from Vicki Thompson and the Chesterfield Neighborhood Organization to speak regarding the installation of a traffic light at the corner of SE 30th and Scott Street. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and Traffic Safety Committee. Motion Carried 5-1.**

97-1557 89. Petitions from Grandview College students, faculty and staff regarding the intersection at E. 14th Street and Grandview Avenue. **Moved by Vlassis to refer to City Manager and Traffic Safety Committee. Motion Carried 5-1.**

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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.

97-1558 1. Communication from City Manager regarding proposed schedule for development of the 1998 Consolidated Plan for Community Development Block Grant (CDBG) programs. Council Communication No. 97-242. SPONSOR: Hensley. **Moved by Hensley to receive, file and adopt the schedule as presented, and as amended, to schedule appointments to the new Citizen Board at the June 23rd Council Meeting. Motion Carried 4-2. Absent: Flagg and McPherson.**

A G E N D A

BOARD OF HEALTH

April 28, 1997

97-1559 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-2. Absent: Flagg and McPherson.**

AUTHORIZING

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

97-1560 (A) 420 Allen Place (vacant) TITLEHOLDERS: David Spreadbury, Elizabeth Spreadbury; LEGAL INTEREST HOLDER: First Bank. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1561 (B) 1720 Capitol (vacant) TITLEHOLDERS: Margaret L. Jensen, Dennis L. Jensen; CONTRACT BUYERS: Tatia R. Niehoff, John E. Niehoff. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1562 (C) 1502 11th (vacant) TITLEHOLDERS: Dennis R. DeNio, Jane M. DeNio; CONTRACT BUYER: Lonnie Foley. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1563 (D) 621 SE 27th Ct. (vacant) TITLEHOLDER: Kerry L. Hill, Deidre Hill. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-1564 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M.**