

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

July 15, 1996 4:30 P.M.

SPECIAL PRESENTATION - 4:00 P.M.:

(a) Special Recognition to CCI Reinvestment Task Force and proclaiming Brenda La Blanc Day

INVOCATION: Rev. J. Kenneth Groen

First Church of the Open Bible

96-2443 1. ROLL CALL: **Present: Davis, Daniels, Hensley, McPherson, Phillips and Vlassis. Absent: Flagg.**

96-2444 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

96-2445 3. APPROVING CONSENT AGENDA - items 3 through 75: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

96-2446 4. Communication from Legal Department regarding July 15, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-2447 5. Amana Colonies State Fair Co., Carl Oehl, President dba Amana's On The Hill, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 7-31-96 (With Sunday Sales and Beer Garden) - Application submitted 6-17-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2448 6. Leslie Hong Nguyen dba Chinese Kitchen, 3422 Martin Luther King Parkway; Renewal - Expires 7-27-96 (With Sunday Sales) - Application submitted 6-7-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2449 7. M & E Cunningham Corp., Edward H. Cunningham, President dba Concession Spot 23, 3000 East Grand - Iowa State Fairgrounds; New Application for 14 day license (With Sunday Sales and Beer Garden) - Application submitted 6-26-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2450 8. Benoit Dist. Co., Jack Benoit, President dba Master Jack's, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 8-5-96 (With Sunday Sales and Beer Garden) - Application submitted 6-26-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

Class "C" Beer Licenses

96-2451 9. Dick Pharmacy, Inc., Jay M. Wangerin, President dba Dick Pharmacy, 3024 Forest; Renewal - Expires 8-6-96 - Application submitted 6-26-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2452 10. Dell Oil Ltd., William D. Sawdey, President dba Dell Oil, 5800 SW 9th Street; Renewal - Expires 7-26-96 (With Sunday Sales) - Application submitted 6-21-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2453 11. Gary L. Dinsdale dba Gary's Standard, 6300 SE 14th Street; Renewal - Expires 8-25-96 (With Sunday Sales) - Application submitted 6-18-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2454 12. Phillips 66 Company, James J. Mulva, President dba Phillips 66 Company, SS02077, 4402 Douglas Avenue; Renewal - Expires 8-31-96 (With Sunday Sales) - Application submitted 6-24-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

LICENSES AND PERMITS (continued):

Class "E" Beer Licenses

96-2455 13. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #523, 900 Army Post Road; Renewal - Expires 8-14-96 (With Sunday Sales) - Application submitted 6-21-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

Class "A" Liquor Licenses

96-2456 14. Beaverdale VFW, Inc., Gale Holmes, Commander dba Beaverdale VFW Club, 4029 Urbandale Avenue; Renewal - Expires 7-17-96 - Application submitted 6-5-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

Class "C" Liquor Licenses

96-2457 15. Amvet's Post 2 Inc., Edward D. Harvey Sr, 1st Vice Commander, dba Amvet's Post 2, 2818 5th Street; Renewal - Expires 7-22-96 (With Sunday Sales) - Application submitted 6-21-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2458 16. Chuck's Restaurant Inc., Linda Bisignano, President dba Chuck's, 3610 6th Avenue; Renewal - Expires 7-21-96 - Application submitted 6-21-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2459 17. Jessie Belle Rivera dba Jessie Bar & Restaurant, 2102 Indianola; Renewal - Expires 7-17-96 - Application submitted 6-24-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2460 18. Jim-Kim Inc, Richard R. Albizo, President dba Richard's Extra Innings, 1500 Se 1st Street; Renewal - Expires 7-18-96 (With Sunday Sales and Beer Garden) - Application submitted 6-18-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

Class "E" Liquor Licenses

96-2461 19. Hy Vee Inc., Ronald D. Pearson, President dba Hy-Vee Food Store #6, 2700 Ingersoll; Renewal - Expires 7-31-96 - Application submitted 6-26-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

LICENSES AND PERMITS (continued):

Authorizing

96-2462 20. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

Refunds

96-2463 21. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

PUBLIC IMPROVEMENTS

96-2464 22. Approving Professional Services Supplemental Agreement No. 1 with Shuck-Britson, Inc., for Phase II Preparation of Contract Plans & Specification in conjunction with SW

7th Street Bridge over Raccoon River, \$38,450. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2465 23. Approving Change Order No. 3 with Neumann Brothers, Inc. for additional work in conjunction with John R. Grubb Community YMCA, in an amount not to exceed \$76,004. (Council Communication No. 96-288) **Moved by Vlassis to adopt. Motion Carried 6-1.**

24. Resolution Ordering Construction of the following:

96-2466 (a) Hart Avenue Pavement Replacement - SE 5th Street to SE 8th Street, Receiving of Bids, (7-30-96), and Setting Date of Hearing, (8-5-96), (Construction Estimate - \$55,950). (Council Communication No. 96-296) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2467 (b) 1996 Pavement Replacement Program - Merle Hay Frontage Road - Meredith Drive to 1,300' South, and East Hackley Avenue - SE 5th Street to Dead End East, Receiving of Bids, (7-30-96), and Setting Date of Hearing, (8-5-96), (Construction Estimate - \$159,920). (Council Communication No. 96-295) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2468 (c) SW 8th Street and Thornton Avenue Storm Sewer, Receiving of Bids, (7-30-96), and Setting Date of Hearing, (8-5-96), (Construction Estimate - \$27,915). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2469 (d) Archie Brooks Community Center Gymnasium Expansion, Receiving of Bids, (8-6-96), and Setting Date of Hearing, (8-19-96), (Construction Estimate - \$896,300). **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-2470 25. Approving partial payments on fourteen public improvement projects, (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2471 26. Communication from Enviro Safe Air, Inc. requesting permission to sublet certain items on asbestos removal - Martin Luther King, Jr., Parkway, Phase 1 public improvement project. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2472 27. Authorizing City Manager to acquire the necessary right-of-way and easements for Runway 5 Extension and Army Post Road Relocation project, from SW 18th to relocated Iowa 28. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2473 28. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for ICA Wastewater Treatment Plant Waste Oil Tank Replacement, CMS, Inc., \$1,140.62 is now due, \$1,687.44 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2474 29. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 49 locations, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2475 30. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

96-2476 31. Resolutions levying assessments for cost of Nuisance Abatement-1995 Sidewalk Replacement Program, Schedule No. 1997-35 and providing for payment thereof. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2477 32. Resolution Levying Assessments for cost of Nuisance Abatement-NAC-Emergency Orders, Schedule No. 1997-34 and providing for payment thereof. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2478 33. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of June, 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS (continued)

96-2479 34. Authorizing Assessment Clerk to correct Sewer Rental and Solid Waste Charges, which were charged to 3623-25 6th Avenue and should have been charged to 3619-21 6th Avenue, (see roll call for amounts). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2480 35. Authorizing Assessment Clerk to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for June, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-2481 36. Fair Market Value for property at 2020 Center Street, from Gerald A. and Sue Ann Zimmerman, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop) - \$258,675. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2482 37. Fair Market Value for property in the vicinity of East Ovid Avenue and Delaware Avenue, from LaVerne W. Simpson, in conjunction with Channel Excavation of the 7th Ward Ditch North of East Hull Avenue Basis - \$94,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2483 38. Offer to Purchase Real Estate and Acceptance, Warranty Deed, Affidavit of Identity, and Resolution of the Board of Directors, in conjunction with replacement park sites for Sherman Hill and Woodland Heights Neighborhoods, from Youth Emergency Service and Shelter of Iowa, for property located in the 2100 block of Woodland Avenue - \$40,352.20. (Council Communication No. 96-298) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2484 39. Warranty Deed from Save the Woods Foundation and Iowa Natural Heritage Foundation, in conjunction with Beaverdale Park Land Acquisition (Beaver Woods) - \$46,804.35, plus costs. (Council Communication No. 96-292) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2485 40. MidAmerican Energy Company requests an Electric Easement - Overhang Only, from the City of Des Moines - \$1,643. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS (continued)

41. Condemnation Commissioners' award, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement, to:

96-2486 (a) Richard D. Heiken and Kathleen G. Heiken - \$5,000 plus Sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2487 (b) Martin O. Huff, Jr., Carol J. Huff and David D. Ekstrum - \$1,583 plus Sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2488 (c) Lisa S. Malloy and Sharon K. Cushman - \$500 plus Sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2489 42. Re-Negotiated Temporary Easement for Construction, in conjunction with Four Mile East Trunk Sewer, from Daniel M. and Valerie L. Hagman, 2830 NE 44th Court - \$560. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2490 43. Temporary Easement for Construction, in conjunction with Storm Sewer-S.W. 8th Street and Thornton Avenue, from Darlene V. Eckerman, 800 SW Thornton - \$1. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2491 44. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement, from The William C. Knapp Revocable Trust and Knapp & Associates Limited Partnership, in the vicinity of SW 5th Street and Army Post Road - \$65. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-2492 45. Skip Sterling, Model Cities Citizen Service Task Force (CSTF) Chair, recommending proposed expansion of CSTF, for referral to City Manager. **Moved by Vlassis to receive and file, and refer to City Manager, Legal, Des Moines Action Board and Neighborhood Advisory Board, for review and recommendation. Motion Carried 6-1.**

96-2493 (a) Approving nomination recommendation for appointment of Joann Muldoon to Model Cities CSTF. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2494 46. Recommendation from Council Member Thomas Vlassis, Ward I, for reappointment of Elaine Estes to the Historic District Commission for a three-year term commencing in 1995, and to expire October 18, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)

96-2495 47. Nomination recommendation of Council Member At-Large Preston Daniels for reappointment of Ronald Walters to the Skywalk Commission for a three-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BLOCK PARTIES

96-2496 48. Approving deviation from Council policy regarding request from Jill Downing, Iowa Sesquicentennial Commission, request for a block party on the State Capitol Grounds, including Walnut Street from E. 14th Street to E. 13th Street, beginning Thursday, August 22 through Sunday, August 25, 1996, from 10:00 A.M. to 9:30 P.M., each day for the Festival of Iowa Folklife. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2497 49. (1) Kelli Baker, 400 - 43rd Street, requesting permission to close 43rd Street, from Greenwood Drive north to Dead End, on Saturday, July 20, 1996, from 4:00 P.M. to 10:00 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(2) Lynne Eilers, 2112 51st Street, requesting permission to close 51st Street, from Hickman Road to Lincoln Place Drive, on Saturday, July 27, 1996, from 4:30 P.M. to 10:30 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(3) Margaret Pommer, 3212 47th Street, requesting permission to close 47th Street, from Urbandale Avenue to Ovid Avenue, on Sunday August 4, 1996, from 4:00 P.M. to 9:00 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(4) Hazel Coleman, 1300 McCormick Street, requesting permission to close Garfield Avenue, from E. 16th Street to McCormick Street, on Saturday, August 10, 1996, from 5:00 P.M. to 11:00 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(5) Jeannie Hayek, 1442 57th Place, requesting permission to close 57th Place, from Forest Avenue to Clark Street, on Saturday, August 24, 1996, from 4:00 P.M. to 10:00 P.M. Rain date: Sunday, August 25, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(6) Jeri McGinnis, 3121 45th Street, requesting permission to close 45th Street, from Urbandale Avenue to Ovid Avenue, on Saturday, September 21, 1996, from 4:00 P.M. to 10:00 P.M. Rain date: Sunday, September 22, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

96-2498 50. On City-initiated rezoning request from David Elwell, River Bend Association, to rezone property in vicinity of Sixth Avenue between Clark Street and University Avenue, to accommodate consumer needs, from "C-2" (General Retail and Highway Oriented Commercial) to a "C-1" (Neighborhood Retail Commercial District), and to find this in conformance with the Des Moines 2000 Land Use Plan, (8-5-96). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2499 51. On application from Mark Daggy, of Nite Owl Printing, and Ron Burton, to rezone property at 1531-1541 Seventh Street, to allow business expansion, from "R-3" (Multiple Family Residential) to a "C-1A" (Neighborhood Commercial Reuse District) and to find this in conformance with the Des Moines 2000 Land Use Plan, (8-5-96). **Moved by Vlassis to adopt. Staff to address concerns raised by area residents. Motion Carried 5-1-1. Nays: Daniels. Absent: Flagg.**

96-2500 52. On renaming a portion of SW McKinley Avenue west of relocated Iowa Highway 28, to Browns Woods Drive, (7-22-96). **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2501 53. On lease of 2350 square feet of office space in the Archie Brooks Community Center, 2100 SE Fifth Street, to Polk County, \$12,572.50 for the first year and a three percent (3%) increase each year for the next four years (7-22-96). (Council Communication No. 96-289) **Moved by Vlassis to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-2502 54. Approving payment of \$16,831.12 to Richard Townsend and his attorney, Robert Pratt as a settlement agreement for an injury arising out of and during the course of his employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2503 55. Approving payment of \$10,701.86 to Michael and Susan Klier for property damage resulting from a sewer backup to their residence. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2504 56. Approving payment in amount of \$12,573.68 to HOPKINS & SUTTER for representation the City of the City of Norwalk v. Federal Aviation Administration action in the United States Court of Appeals. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2505 57. Request from Legal Department to appeal Civil Service Commission decision regarding the employment of Billie Waltz. **Moved by McPherson to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

96-2506 58. Submitting out-of-state travel requests for Robert A. Davis, Pam McAdams, Robyn Ellert, and Mike Matthes, and Tom Vlassis. (Council Communication No. 96-284) **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

96-2507 59. City Manager's Monthly Financial Report for May, 1996, (on file in City Clerk's Office). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-2508 60. Application for Local Law Enforcement Block Grant Program for use in procurement of various equipment related to basic law enforcement functions, (crime reduction and improved public safety), \$291,931. (Council Communication No. 96-291) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2509 61. Contract with Iowa Department of Human Rights/Division of Community Action Agencies for \$155,167 to be used for weatherization and energy related assistance for low-income persons from period of time from April 1, 1996 through March 31, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2510 62. United Way of Central Iowa Investment Agreement FY 1996-97 allocating \$21,324 for use in funding staff salaries for Des Moines Outreach Program from July 1, 1996 through June 30, 1997. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Vlassis declares a conflict of interest, and abstains from voting. Absent: Flagg.**

96-2511 63. Agreement with MidAmerican Energy Company for administration of Energy Efficient, (insulation installation), Affordable Housing Rehabilitation Program - 1996 Project from January 1, 1996 through December 31, 1996, amount not to exceed \$138,630. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2512 64. Annual Performance Reports, for fiscal years 1994 and 1995 for the Comprehensive Housing Affordability Strategy (CHAS) for submission to HUD. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2513 65. Notification from Iowa Department of Transportation regarding proposed relocation of Iowa 5 from SW 9th Street interchange east to U.S. 65/69. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-2514 66. Request from Jan Higgins, Iowa State Fair, requesting permission for a temporary easement for head-in parking along the north side of Dean Avenue from E. 31st to E. 34th, from August 5 thru August 18, and request for "NO PARKING" signs to be placed on the area east of E. 34th (Gate 7). **Moved by Vlassis to approve request. Motion Carried 6-1.**

APPROVING (continued)

96-2515 67. Use of various City facilities as poll sites for precincts 31, 36, 60, 64, and 82, for school election to be held Tuesday, September 10, 1996. **Moved by Vlassis to approve. Motion Carried 6-1.**

96-2516 68. Negotiation of License Agreement with Quality Wine Company, to conduct grading and site preparation work, vicinity of Thompson Avenue east of DeWolf Street, (Disposition Parcel No 31A/Guthrie Avenue Business Park 2001 DeWolf Street). (Council Communication No. 96-293) **Moved by Vlassis to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

69. Bids for the following:

96-2517 (a) William C. Page, (520 East Sheridan Avenue), for consulting services on the River Bend Neighborhood National Register of Historic Places Nomination Phase II project to be used by the Community Development Department, \$27,000. (Eleven bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2518 (b) History Pays, (4215 NW Drive, James E. Jacobsen, Consultant), for a Historic Survey of Craftsman and Foursquare Homes located within the Des Moines corporate City limits to be used by the Community Development Department, \$25,000. (Twelve bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2519 (c) Mid-land Equipment Company, (Ankeny, Iowa, Gery Haag, President), for a sliding tandem axle equipment trailer to be used by the Public Works Department (Street Maintenance), \$34,270. (Nineteen bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2520 (d) Tri State West, (Grimes, Iowa, Hugh Stafford, President), for two triplex tee and collar mowers to be used by the Park and Recreation Department (Golf Courses), \$16,941. (Eight bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2521 (e) Independent Salt Company, (Kanopolis, Kansas, M. D. Keener, President) for an annual price agreement for rock salt for use by the Public Works Department (Street Maintenance). (Five bids mailed-two received). (See roll call for price breakdown). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

Bids for the following:

96-2522 69. (f) Declaring Aggregate Equipment Co and Stetson Building Products as noncompliant; did not meet diamond quality requirements for diamond concrete saw blades to be used by the Public Works Department, (Street Maintenance) and submitting compliant bids from Construction Materials, Inc., (5210 N.E. 17th Street) and Logan Contractors Supply Inc., (Urbandale, Iowa, Jerry Logan, President). (Eleven bids mailed-nine received). (See roll call for specifications and price breakdowns). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2523 70. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 6-1.**

WITHDRAWN 71. Civil Service Entrance List for Legal Secretary, and Promotional Lists for Fire Captain, Principal Public Safety Dispatcher, and Senior Public Safety Dispatcher.

96-2524 72. Authorizing Finance Director to draw warrants on registers of July 19 and bills of the Des Moines Municipal Housing Agency for the weeks beginning July 15 and July 22, and the biweekly payroll due employees on July 19, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-2525 73. Amending Chapter 2 of the Municipal Code repealing various references to the Des Moines Convention Center. **Moved by Vlassis that this ordinance do now pass, #13,357. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-2526 74. Amending Chapter 8 of the Municipal Code, to expand the application of the Uniform Code for Building Conservation-Historic Buildings, and changing the membership of the Building Code Board of Appeals. **Moved by Hensley that this ordinance be considered and given second vote for passage. Staff to defer third and final reading until such time as all appropriate organizations have been notified of this ordinance change. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION (continued)

96-2527 75. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearances on the east side of SE 12th south of E. Watrous; on the east side of 40th north of University Avenue; on the south side of High Street west of 19th Street; and change of parking restrictions adjacent to Sec Taylor Stadium. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

****Council considered agenda items 88 and 90 next****

HEARINGS (Opened at 5:30 P.M.) (Items 76 thru 80)

96-2528 76. On vacation and conveyance of alley right-of-way in vicinity of E. 28th Street and Washington Avenue, to abutting property owners. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

96-2529 (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 5-2. Absent: Flagg and Vlassis.**

96-2530 77. On application from Jim McCulloh, Mid-America Group, to rezone property in vicinity of 2739 Easter Lake Drive, from "R1-90" (Large Lot One Family Residential) to "PUD" (Planned Unit Development) and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2531 (a) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-2532 78. On Blank Park Zoo Aquatic Animal Facilities Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Waldinger Corporation, (Tom Brown, Vice Pres., 2601 Bell Ave), \$15,200. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2533 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1.**

HEARINGS (continued)

96-2534 79. On 1996 Pavement Milling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (Robert G. Horner, Pres., 903 SE 22nd Street), \$27,000. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Flagg.**

96-2535 (a) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Flagg.**

96-2536 80. On Structural Modifications to Stormwater Pump Station Wet Wells: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, Estimator, 990 NE 44th Avenue), \$116,700. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2537 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1.**

* * END HEARINGS at 6:07 P.M. * *

CITY MANAGER RECOMMENDATIONS

96-2538 81. Proposed amendments to the City Council Liquor License Policy. (Council Communication No. 96-285) **Moved by Phillips to receive, file and adopt the recommendations contained in the attached City Council Communication and adopt the Policy as presented, and as amended. Motion Carried 6-1.**

96-2539 (a) First consideration of ordinance regarding application for temporary licenses and permanent/temporary beer gardens (outdoor service). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-2540 (b) Final consideration of ordinance above, (waiver requested by Council Member Phillips), requires 6 votes. **Moved by Phillips 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, #13,358. Motion Carried 6-1.**

APPROVING

96-2541 82. Notification from Airport Board, of revised Letter of Agreement with FAA Air Traffic Control Tower, which incorporates the new procedure for eastbound and southbound turbojet aircraft departing Runway 23. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-2542 83. Recommendation from Des Moines Action Board, (DMAB) and Neighborhood Advisory Board (NAB), regarding 1997 Consolidated Plan Priorities. (Council Communication No. 96-286) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2543 84. Report from City Manager regarding status of City Departmental reorganization plan, (communication attached). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

85. Intergovernmental 28E Agreements with the following, for Joint Funding of the Dean Avenue Improvement Project (E. 34th Street to Four Mile Creek Bridge). (Council Communication No. 96-290)

96-2544 (a) Board of Directors of the Iowa State Fair, Phase 1. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2545 (b) Polk County, Phase 2. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2546 (c) Pleasant Hill, Phase 3. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-2547 86. Negotiated Offer to purchase 2006 Dixon Street, Guthrie Avenue Business Park, \$30,000, to facilitate expansion of Van Meter Electric Supply Co. (Council Communication No. 96-294) **Moved by McPherson to adopt. Motion Carried 6-1.**

COUNCIL REQUESTS

96-2548 87. Request from Council Member Preston Daniels to discuss naming the Riverfront Amphitheater. **Moved by Daniels to discuss and recommend/refer to Park Board that the Amphitheater be named after Simon Estes. Motion Carried 6-1.**

96-2549 88. Oral request of Council Member McPherson, to designate August 31, 1996, as Police Officer Pat Moody Day. **Moved by McPherson to discuss and approve, with Special Proclamation to be issued August 5 to so Proclaim; refer to City Manager for assistance and guidelines regarding the various fund raising activities, such as the proposed golf tournament. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

96-2550 89. Petition in favor of sanitary sewer on Easter Lake Drive, from the 2300 block to the 2600 block. **Moved by Phillips to receive, file and refer to City Manager and City Engineer for review. Motion Carried 6-1.**

96-2551 90. From Krystal Green representing Youth Working for Positive Change, 1811 - 21st Street regarding property located at 1437 E. Washington and its condition. **Moved by Vlassis to receive and file. City Manager to keep Youth Working for Positive Change apprised of progress as the City proceeds to Court action and anticipated demolition. Motion Carried 6-1.**

96-2552 91. Petition from residents of Park Place Retirement Apartments, 7th and Park Street, requesting the City raze the block and plant grass, on the block north of their building, proposed park and ride site. **Moved by Hensley to receive, file and refer to City Manager for review and report.**

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EXTRA ITEMS

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

96-2553 1. Oral request of Council Member Tom Vlassis, to discuss redevelopment plan for Forest Avenue/Martin Luther King Jr. Corridor. SPONSOR: Vlassis. **Moved by Vlassis to discuss and refer to City Manager to start implementation of proposed plans for area, for further consideration. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-2554 2. Oral request of Council Member Christine Hensley, to discuss formal appointment of a Task Force to study Homeless/Housing Issues in the Des Moines Metro Area. SPONSOR: Hensley. **Moved by Hensley to discuss and approve the concept. Staff and Council Member Hensley will keep the Council apprised of the progress of the Task Force's efforts on an ongoing basis. Motion Carried 5-2. Absent: Flagg and McPherson.**

A G E N D A

BOARD OF HEALTH

July 15, 1996

96-2555 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Flagg and McPherson.**

AUTHORIZING

96-2556 1. Court authority to abate the public nuisance at 2403 E. Grand Ave. (vacant) TITLEHOLDER/LANDLORD: Thomas G. Daniels, Lois Daniels; LEGAL INTEREST HOLDERS: Gillanders and Start Development Company, Inc., ATTN: James Gillanders; East Des Moines National Bank, ATTN: Gary Julson, Assistant Vice President. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-2557 2. Release of demolition cost reserve held under claim number 14-01008197 regarding property known as 2107 McKinley Ave., owned by Barry LePorte. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-2558 MOTION TO ADJOURN as Board of Health and reconvene as City Council. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-2559 1. (a) City Council recess and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss pending litigation. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-2560 (b) Closed Session to discuss pending litigation.

96-2561 (c) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2562 (d) Adoption of recommendations made in closed session. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-2563 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:25 P.M.**