

## SUMMARY OF DES MOINES CITY COUNCIL MEETING

August 19, 1996 4:30 P.M.

**INVOCATION:** George E. Flagg

Council Member At-Large

96-2820 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-2821 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2822 3. APPROVING CONSENT AGENDA- items 7 thru 72. **Moved by Phillips to adopt the balance of the consent agenda. Motion Carried 7-0.**

Approving

96-2823 4. Communication from Legal Department regarding August 19, 1996 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 7-0.**

### **LICENSES AND PERMITS**

#### **INFORMAL HEARINGS**

96-2824 5. On recommendation of staff to **deny** Class "C" Liquor License for G-B, Inc., Gary Banks, Owner, dba Gary's Sports Lounge, 2001 Forest Avenue; New Application (With Sunday Sales) - Application submitted 7-23-96. **Moved by Vlassis to deny the license due to lack of financial responsibility, pursuant to Section 5 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.**

### **LICENSES AND PERMITS (continued)**

#### **INFORMAL HEARINGS**

96-2825 6. On recommendation of staff to **deny** Class "C" Liquor License for Terri Killen, dba Killen Time, 2600 Dean Avenue; New Application submitted 7-17-96. **Moved by Phillips to continue the hearing to 8-26-96 at 4:30 P.M. to allow staff to review information submitted by applicant. This item was reconsidered at 6:40 P.M. and the above motion was adopted at that time. Council's initial action at 4:35 P.M. was to deny the application.**

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**\*\*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.**

Class "B" Beer Licenses

96-2826 7. Leticia Ortiz dba El Tapatio Mexican Restaurant, 1704 East Grand; New Application (With Sunday Sales) - Application submitted 7-15-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Liquor Licenses

96-2827 8. Alfred Foggia dba Antlers Lounge, 414 East 6th Street; Renewal - Expires 9-6-96 - Application submitted 7-15-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2828 9. Donna M Galvan dba Brew Haus, 830 SW McKinley; Renewal - Expires 8-27-96 (With Sunday Sales) - Application submitted 7-22-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2829 10. R.J.W., Inc., Robert L. Willson, President dba The Edge, 3800 Army Post Road; Renewal - Expires 8-21-96 (With Beer Garden) - Application submitted 7-12-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2830 11. Fraternal Order of Eagles, Jerry J. Letze, President dba Fraternal Order of Eagles, 6567 Bloomfield Road; Renewal - Expires 8-28-96 (With Sunday Sales) - Application submitted 7-1-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

**LICENSES AND PERMITS (continued):**

96-2831 12. The Embers, Inc., Richard T. Roush, President dba Jesse's Embers, 3301 Ingersoll; Renewal - Expires 8-23-96 - Application submitted 7-5-96. **Moved by Phillips to adopt, Motion Carried 6-1. Nays: Daniels.**

96-2832 13. Judge Roy Beans, LTD., Jerry C. Baker, President dba Judge Roy Beans, 210 Court Avenue; Renewal - Expires 8-22-96 - Application submitted 7-18-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2833 14. Nana Leone's, Inc., Frank Mauro, Jr., President dba Nana Leone's, 2301 Southwest 9th Street; Renewal - Expired 8-9-96 (With Sunday Sales) - Application submitted 7-8-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2834 15. Hawkeye Highlife Ltd., Larry Strickler, President dba Waveland Coffee Shop, 4704 University Avenue; Renewal - Expires 9-10-96 (With Sunday Sales) - Application submitted 7-10-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

#### Authorizing

96-2835 16. City Clerk to issue Cigarette Licenses. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

#### Beer Gardens

96-2836 17. Approving temporary beer garden for United Mexican American Community Center, 828 Southeast Scott for special event (Pat Moody Fund Raiser) to be held on August 24, 1996. Subject to submission of acceptable building, fire, and zoning inspections - Application submitted 7-22-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### Transfers

96-2837 18. Approving temporary transfer of Class "C" Liquor License for Con-Lar, Inc., Larry Derry, President dba The Hideaway Lounge, 4845 Merle Hay Road; (With Sunday Sales and Beer Garden for one day event on August 25, 1996) for Bob Marley Festival- Application submitted 7-17-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

96-2838 19. Resolution ordering construction of Seventh Ward Ditch Improvements North of E. Hull Avenue Basin, Receiving of Bids, (9-3-96), and Setting Date of Hearing, (9-16-96), (Construction Estimate - \$453,972). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2839 20. Approving amended License Agreement with Principal Mutual Life Insurance Company, to reflect change in legal description and plat of the licensed area for underground concrete enclosure and electrical power conduit in vicinity of Seventh and Keo. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2840 21. Approving Agreement with MidAmerican Energy for construction of an overhead single-phase 120/240 volt primary electrical service to the Birdland Park Shelter Building, in an amount of \$764.72. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2841 22. Approving contract and bond for SW Eighth Street and Thornton Avenue Storm Sewer, The Underground Company, (Duane Burkhardt, Pres, DM). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2842 23. Approving Change Order No. 4, with Neumann Bros., Inc., for additional work in conjunction with the John R. Grubb YMCA, not to exceed \$44,500. (Council Communication No. 96-344) **Moved by Phillips to adopt. Motion Carried 7-0.**

24. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

96-2843 (A) SW 3rd Street Bridge Approach Paving Phase 2, Eco Tech Contractors, Inc., \$3,692.65 is now due and \$42,626.87 the remaining balance to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2844 (B) SW 18th Street and McKinley Avenue Storm Sewer, The Underground Company, Ltd., \$1,141.90 is now due and \$1,170.10 the remaining balance to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2845 (C) Demolition Contract No. 162, Hopkins Trucking and Excavating, \$2,322.75 is now due and \$4,172.75 the remaining balance to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS (continued)**

96-2846 25. Report of the Chief Civil Engineer showing cost of construction progress, amounts due and funding availability of E. 14th Street at Aurora Avenue Intersection Asbestos Removal, Pro Environmental Abatement, Inc., \$23,149.60 is now due and remaining balance of \$1,218.40 to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2847 26. Approving partial payments on twelve public improvement projects. (See roll call for list and funding availability). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2848 27. Communication from Koester Construction Company, Inc. requesting permission to sublet certain items on Greater Des Moines Soccer Park, Contract No. 2 public improvement project. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2849 28. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 88 locations, (see roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2850 29. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by three property owners, (see roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

96-2851 30. Authorizing Assessment Clerk to correct Sewer Rental and Solid Waste Charges, which were charged to a property with no address and should have been charged to 2634-36 Chicago, (see roll call for amounts). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2852 31. Authorizing Assessment Clerk to correct Delinquent Sewer Rental and Solid Waste Charges, which were charged to 2517 Lynner Drive and should have been charged to 1909 Martin Luther King, Jr., Parkway. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2853 32. Authorizing Assessment Clerk to correct NAC-Emergency Clean-up Charges, which were charged to 1904 Allison, 1446 9th Street, and 126 SE 33rd Court in error. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

96-2854 33. Approving Final Subdivision Plat for CROWN COLONY PLAT 1, vicinity of Thomas Beck Road and Bell Avenue, developed by Crown Colony Inc. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2855 34. Quit Claim Deed in conjunction with Storm Water Utility Management, from Polk County, 1327 Mondamin. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2856 35. Quit Claim Deed in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop By-Pass, from Polk County, 944 19th Street. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2857 36. Warranty Deed from Jack C. Whitaker and Mary Louise Whitaker, in conjunction with Airport Expansion, - \$62,132.40. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2858 37. Approving Department of the Army License, in conjunction with Iowa 5 (Army Post Road) and South Union Street Widening and Signalization, for property at SE corner of Army Post Road and Chaffee Rd. **Moved by Phillips to adopt. Motion Carried 7-0.**

38. Backslope and Property Adjustment Easement and Release, Warranty Deed, Offer to Purchase, Affidavits, and a Partial Satisfaction Piece and Release of Judgment Lien, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement from:

96-2859 (A) Michael L. and Pam S. Meyer, and Robert L. Meyer, 205 Army Post Road - \$5,017.20. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2860 (B) Robert L. Meyer, Oscar L. and Charlene Meyer, and Michael L. and Pam S. Meyer - \$2,061.40. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2861 39. Permanent Easement for Storm Sewer and Surface Water Flowage, in conjunction with Channel Excavation - 7th Ward Ditch, North of East Hull Avenue Basin, from American Freightways Corporation, 2201 East Ovid Avenue - \$58.31. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2862 40. Amended and Substituted Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 28 (63rd Street) and University Avenue Intersection Improvements, from Scott Charles Ross, 1327 63rd Street - \$4,590. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

#### **LAND/PROPERTY TRANSACTIONS (continued)**

96-2863 41. Condemnation Commissioner's award of \$12,868.65, plus Sheriff's fees and jury expenses, in conjunction with U.S. 69 (E. 14th Street) and Aurora Avenue Intersection Improvement, to Hansen Partnership, Jerry A. Verschuure, Corrine S. Verschuure, Robert P. Verschuure, and Martha F. Verschuure. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2864 42. Condemnation Commissioner's award of \$70,593.91, plus Sheriff's fees and jury expenses, in conjunction with Iowa 5 (Army Post Road) and South Union Street Widening and Signalization, to William C. Knapp, Trustee of the William C. Knapp Revocable Trust. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

43. Communications from the following, submitting resignations from various Board and Commissions:

96-2865 (A) Nolden Gentry, from the Skywalk Commission, effective immediately. **Moved by Phillips to receive, file and accept with deep regret. Motion Carried 7-0.**

96-2866 (B) Gayle Collins, from the Des Moines Park and Recreation Board, effective July 1, 1996. **Moved by Phillips to receive, file and accept with deep regret. Motion Carried 7-0.**

96-2867 (C) Nadine Hogate, from the Citizen Odor Board, effective immediately. **Moved by Phillips to receive, file and accept with deep regret. Motion Carried 7-0.**

44. Nomination recommendation of Council Member Gene Phillips, Ward IV, for the following:

96-2868 (A) Nadine Hogate, for reappointment to the Neighborhood Advisory Board, for three-year term to expire April 5, 1999. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2869 (B) David Little, for reappointment to the City Plan Commission, for five-year term to expire July 2, 2001. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2870 (C) John Mikovec, for reappointment to the Mechanical Board of Examiners, for two-year term to expire April 6, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2871 (D) Ralph Schilling, for reappointment to the Board of Plumbing Examiners, for two-year term to expire April 6, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)**

96-2872 44. (E) Nomination recommendation of Council Member Gene Phillips for reappointment of Norman Iverson to Electrical Board of Examiners for a two year term. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2873 45. Nomination recommendation of Council Member Preston Daniels, (At Large), for appointment of Trudy Mayo to the Greater Des Moines Sister City Commission for five-year term (commencing in 1994) to expire April 28, 1999. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2874 46. Recommendation of Neighborhood Finance Corporation for appointment of Bob Mickle as Neighborhood Finance Corporation representative to Neighborhood Advisory Board, to fill three-year unexpired term of Mark Kempkes, (April 1997). **Moved by Phillips to adopt. Motion Carried 7-0.**

### **BLOCK PARTIES**

96-2875 47. (1) Yvonne Sorenson, 1906 51st Street, requesting permission to close 51st Street, from Franklin Avenue to 50th Place, on Saturday, August 24, 1996 from 5:00 to 11:00 P.M. Rain date: Sept 7, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(2) Melody Nelson, 1012 39th Street, requesting permission to close 39th Street, from Kingman Blvd. to School Street, on Sunday, August 25, 1996 from 5:00 to 9:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(3) Becky Knutson, 2430 Maryland Pike, requesting permission to close Maryland Pike, from 2400 block to the 2500 block, Saturday, August 31, 1996 from 4:00 to 10:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(4) Mary Hyland, 3934 48th Street, requesting permission to close Fleming Avenue, at 48th Street (Circle), on Sunday, September 1, 1996 from 4:00 to 10:00 P.M. Rain date: September 2, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(5) William Brown, 6055 N. Waterbury Road, requesting permission to close Shriver Avenue, from 56th Street to 53rd Street, on Monday, September 2, 1996 from 3:00 to 9:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **BLOCK PARTIES (continued)**

47. (6) Bonnie Green, 620 44th Street, requesting permission to close Woodland Avenue, from 44th Street to Harwood Avenue, on Sunday, September 1, 1996 from 4:00 to 10:00 P.M. Rain date: September 2, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(7) Elaine Imlau, 1340 45th Street, requesting permission to close 45th Street, from Carpenter Avenue to Forest Avenue, on Saturday, September 7, 1996 from 4:00 to 7:30 P.M. Rain date: September 14, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(8) Rita Butts, 1446 9th Street, requesting permission to close Clark Street, from 9th Street to 10th Street, on Saturday, September 7, 1996 from 5:00 to 11:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(9) Ann Sokolowski, 1306 40th Street, requesting permission to close 40th Street, from 1215 40th Street to Forest Avenue, on Saturday, September 7, 1996 from 2:00 to 8:00 P.M. Rain date: September 1, 1996. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

(10) Tammy Keiter, 3103 54th Street, requesting permission to close 54th Street, from Urbandale Avenue to Ovid Street, on Saturday, September 7, 1996 from 5:00 to 10:00 P.M. Rain date: September 14, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(11) John Auer, 5707 Kingman Avenue, requesting permission to close Kingman Avenue, from 57th Street to 58th Street, on Sunday, September 8, 1996 from 5:00 to 8:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**



(12) Michael P. Juskelis, 3315 Beaver Avenue, requesting permission to close Ovid Avenue, from 4036 Ovid Avenue to 4100 Ovid Avenue, on Sunday, September 8, 1996 from 2:00 to 8:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(13) Susan & Mark Swehla, 3706 SE 19th Street, requesting permission to close SE 19th Street, from Rose Avenue to Maish Avenue, on Saturday, September 14, 1996 from 4:00 to 9:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

(14) Elizabeth Irvine, 3821 Cottage Grove, requesting permission to close Cottage Grove Avenue, from 38th Street to 42nd Street, on Sunday, September 15, 1996 from 4:00 to 9:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **BLOCK PARTIES (continued)**

47. (15) Dorothy Eisenman, 3706 Lindlavista Way, requesting permission to close Lindlavista Way, from 38th Street to 38th Place, on Sunday, September 22, 1996 from 1:30 to 6:30 P.M. Rain date: October 6, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(16) Michelle Brandenburg, 921 40th Place, requesting permission to close 40th Place, from Crocker Street to School Street, on Saturday, September 28, 1996 from 3:00 to 9:00 P.M. Rain date: October 5, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

(17) Janice A. Stehl, 4017 Ashby Avenue, requesting permission to close Wallace Lane, from 4116 block to the 4040 block, on Saturday, August 24, 1996 from 6:00 to 11:00 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

96-2876 48. On proposed amendments to the Municipal Code to establish a procedure for acting upon request for "reasonable accommodation" under the 1988 Amendments to the Fair Housing Act; on proposed amendment to the zoning regulations regarding the permitted location of supervised group residences, family homes, elder family homes and elder group homes; and on proposed amendment to the City's comprehensive Housing Plan to adopt a policy of de-institutionalization of housing for persons with disabilities, (9-3-96). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-2877 (A) Communication from the Neighborhood Advisory Board recommending approval. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

96-2878 (B) Communication from the Human Rights Commission, recommending approval. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

96-2879 49. On proposed vacation of a portion of the E. 19th Street right-of-way north of Thompson, in the Guthrie Avenue Business Park, (sale to Quality Wine) (8-26-96). (Council

Communication No. 96-350). **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

### **SETTING DATE OF HEARINGS (continued)**

96-2880 50. On Lease Agreement with City View Partners II, for lease of 1100 square feet of office space for temporary housing while Grubb YMCA is being constructed, at 1251 University Avenue, to be used by the Model City Neighborhood Site Office, \$900 per month for six months, (8-26-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2881 51. On amendment to the Des Moines Zoning Ordinance, regarding sign regulation in the "C-3" Central Business District Commercial District, to permit larger wall sign on buildings which front onto Court Avenue, west of the Des Moines River, (9-3-96). **Moved by Phillips to adopt. Motion Carried 7-0.**

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

96-2882 52. Approving selection of Robert O. Jester and the firm of Ensz and Jester P.C. as co-counsel in the case of Robert B. DePugh v. William Hanson, et al, U.S. District Court for the Western District of Missouri, \$95 per hour for partner time and declining scale for other time based on experience, plus out-of-pocket expenses. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2883 53. Approving payment in amount of \$12,105.30 to Timothy R. Howser for workers' compensation claim, subject to approval by the Iowa Industrial Commissioner for injury suffered during the course of his employment. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2884 54. Approving payment in amount of \$5,209.15 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for consultation and legal services to the City in conjunction with the WRA/State of Iowa Revolving Fund (SRF) for final phase of project to upgrade the biosolids facility, laboratory facilities, and personnel facilities. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

96-2885 55. Approving payment in amount of \$1,567.47 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services rendered in providing consultation with regard to the City's lease-purchase of a solid waste recycling vehicle. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

## **CITY MANAGER COMMUNICATIONS**

96-2886 56. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-342). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

96-2887 57. Submitting out-of-state travel request for Susan Low, William Moulder and Frank Cooley. (Council Communication No. 96-345). **Moved by Phillips to adopt. Motion Carried 7-0.**

## **APPROVING**

96-2888 58. Renewal of Intergovernmental 28E Agreement with the Des Moines Public Schools, for shared use of schools, golf courses, park facilities for use by citizens participating in recreational activities and school related athletics. (Council Communication No. 96-349). **Moved by Phillips to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-2889 59. Reciprocal Agreement with Homes of Oakridge, Inc., for the City to annually clean its internal driveways and parking areas. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2890 60. Communication from Kim Reed, Parks Festival Chairman, requesting permission to hang banners on Euclid Avenue and on Sixth Avenue between Euclid and Holcomb (North High School) for the 16th Annual Parks Festival, September 7, 1996. **Moved by Phillips to receive, file and grant the request. Motion Carried 7-0.**

96-2891 61. Community Development Block Grant (CDBG) contract with Human Services Coordinating Board, \$28,501 in 1996 CDBG Funds, January 1 thru December 31, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2892 62. Interim Emergency Shelter Grant (ESG) Report, for Grant Agreement/Funding Approval--\$137,000. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2893 63. Submitting 1997 Community Services Block Grant (CSBG) Action Plan Application, to the Iowa Department of Human Rights' Division of Community Action Agencies, \$316,773. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2894 64. Civil Service Entrance List of Systems Analyst, and Promotional Lists for Street Sweeper Operator and Sewer Maintenance Worker. **Moved by Phillips to approve. Motion Carried 7-0.**

## **APPROVING (continued)**

65. Bids for the following:

96-2895 (A) Farmers Supply Store, Inc., (Colfax, Bill Gannon, President) for two (2) four-wheel drive tractor mowers with cabs and snow blower to be used by the Engineering Department (Wastewater Reclamation Facility), \$21,882 (Thirteen bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2896 (B) Traffic signal equipment for downtown emergency preemption system to be used by the Traffic and Transportation Department (partial funding by Iowa DOT), \$86,258. (Six bids mailed-five received) (See roll call for vendors, equipment specifications and price breakdowns). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2897 (C) Four (4) trucks with additional equipment to be used by the Public Works Department (Sewer Maintenance Division), \$144,694. (Nine bids mailed-six received) (See roll call for vendors, equipment specifications and price breakdowns). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2898 (D) Finding Midwest Sign & Screen Printing Supply Co., Omaha, not meeting specifications and noncompliant and approving compliant bid of Advanced Digital Cutting Systems, Inc., (Yulee, FL, Dan W. Clower, President) for computerized sign lettering machine to be used by the Traffic and Transportation Department (Sign Shop), \$13,500. (Twelve bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2899 (E) Finding Crescent Chevrolet, Des Moines, not meeting

**WITHDRAWN** specifications and noncompliant, and approving compliant bid of Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for eleven (11) four-door sedans to be used by the Engineering Department, \$135,226. (Five bids mailed-three received).

96-2900 66. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2901 67. Authorizing Finance Director to draw warrants on registers of August 23, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning August 19, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

96-2902 68. On renaming a portion of SW McKinley Avenue west of relocated Iowa Highway 28, to Browns Woods Drive. **Moved by Phillips that this ordinance do now pass, #13,362. Motion Carried 7-0.**

96-2903 (A) Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes for Browns Woods Drive, (to reflect name change). **Moved by Phillips that this ordinance do now pass, #13.363. Motion Carried 7-0.**

96-2904 69. On vacation of a portion of the Martin Luther King Jr. Parkway right-of-way, in vicinity of Euclid Avenue. **Moved by Phillips that this ordinance do now pass, #13,364. Motion Carried 7-0.**

## **ORDINANCES - SECOND CONSIDERATION**

96-2905 70. Amending Chapter 2 of the Municipal Code regarding issuance of certifications of appropriateness and notice to proceed for alteration to designated landmarks and historic districts, (five-year code update). **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-2906 71. Amending Chapter 27 of the Municipal Code regarding request for reduction in corner clearance on the north side of Kingman Blvd. east of Polk Blvd; request for one-sided parking restriction on the east of side of SE Ninth Street between Scott Avenue and the Des Moines River; and request for installation of stop signs at the intersection of 15th Street and Seneca Avenue. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-2907 72. 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). **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

## **ORDINANCES - FIRST CONSIDERATION**

96-2908 73. Amending Chapter 21 of the Municipal Code regarding partial deferral of payment of connection fees, to accommodate the phased development of property, and providing for collection of interest upon deferred connection to a trunk sanitary sewer or upon deferred payment of the connection fee in a benefitted connection fee district, (Four Mile and Easter Lake Area Trunk Sewers). (Council Communication No. 96-355). **Moved by Daniels that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

96-2909 74. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: extension of corner clearance on the West side of E. 23rd Street east of University; request for corner clearance on the East side of 51st Street south of Aurora, and on the East side of SW 14th Street south of Creston, and the East side of Casady Drive north of Creston; and increase in handicapped parking fine to \$100. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**\*\*Council considered Item 79 next\*\***

#### **HEARINGS (Opened at 5:55 P.M.) (Items 75 thru 78)**

96-2910 75. On request from Thomas R. Zucker, for voluntary annexation of property at 1335 NE 50th Avenue, (Zook's Harley Davidson), vicinity of NE 50th Avenue and NE 14th Street. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Phillips.**

96-2911 (A) On application to rezone the property from "A-1" (Agricultural District) it will automatically receive upon annexation to a "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Phillips.**

96-2912 (B) First consideration of rezoning ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Phillips.**

96-2913 76. On proposed termination of the Capitol Park Urban Renewal Project, (area bounded by Buchanan and Walker on the North, I-235 on the South, East Ninth on the East, and Pennsylvania Avenue on the West)--developer of multi-family housing has abandoned the initial project proposal. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Phillips.**

96-2914 (A) Report from City Plan and Zoning Commission. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Phillips.**

#### **HEARINGS (continued)**

96-2915 77. On Archie Brooks Community Center Gymnasium Expansion: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Venter Spooner Inc., (Daniel Venter, Pres, 5644 NE 17th Street, DM,) \$711,700. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2916 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2917 78. Continued on amendment to the Zoning Ordinance, regarding permitted location of communication towers and antennas, (from 8-5-96). **Moved by Vlassis to continue the hearing to 8-26-96 at 5:30 P.M. to allow staff to prepare amendments to the ordinance regarding application process, Zoning Board of Adjustment involvement, notification process to recognized neighborhoods and affected property owners and 300 foot requirement. Motion Carried 6-1. Nays: Flagg.**

96-2918 (A) First consideration of ordinance above, (pre-published,

**WITHDRAWN** requires two readings).

96-2919 (B) Petition from property owners in the vicinity of St. Mary Nazareth Church, (west of Beaver and South of Meredith Dr.), in opposition to amendment to the Zoning Ordinance.

**Moved by Vlassis to receive and file. Motion Carried 7-0.**

\* \* END HEARINGS at 6:40 P.M. \* \*

**\*\*Council considered agenda items 80 thru end of agenda next\*\***

### **CITY MANAGER RECOMMENDATIONS**

96-2920 79. Regarding proposed forgivable economic development loan for Pioneer Hi-Bred International, Inc. (Council Communication No. 96-343). **Moved by Hensley to receive, file and adopt the recommendations as outlined in Council Communication No. 96-343. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-2921 (A) Communications filed in objection to forgivable economic development loan for Pioneer Hi-Bred International. **Moved by McPherson to receive and file. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 75 thru 78 next\*\***

### **CITY MANAGER RECOMMENDATIONS (continued)**

80. Regarding authorization to proceed on the following projects from the 1995-96 Capital Improvements Program:

96-2922 (A) SE 8th Street and Granger Avenue Sanitary Sewer Repair. (Council Communication No. 96-353). **Moved by Vlassis to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 96-353. Motion Carried 7-0.**

96-2923 (B) Des Moines River North Levee Tree Removal, from SE 14th Street to Extension of SE 24th Court. (Council Communication No. 96-354). **Moved by Vlassis to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 96-354. Motion Carried 7-0.**

96-2924 81. Regarding paving petition--College Avenue from 30th to 31st.(Council Communication No. 96-348) **Moved by Vlassis to receive and file the City Engineer's report and direct the City Engineer to return the petition to the property owners to obtain more signatures before further consideration by this Council. Motion Carried 7-0.**

## **APPROVING**

96-2925 82. Recommendation from the Park and Recreation Board to name the Amphitheater, the Simon Estes Amphitheater and appoint a committee to plan dedication in 1997. (Council Communication No. 96-351). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2926 83. Final Report from RAMP Associates, for Airport Board to initiate selection of firm to provide engineering and architectural services, to plan and design a parking structure at the Airport, and City Manager be authorized to acquire by gift, purchase or eminent domain the property at 1901 Army Post Road, for 330-space expansion of the Airport's current economy lot. (Council Communication No. 96-347). **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-2927 (A) Communication from Aviation Board. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

96-2928 84. State of Iowa Grant Agreement for Fiscal Year 97 funding of the Commercial Air Service Marketing Program--State will fund 50 percent of the eligible project costs, up to \$59,200. (Council Communication No. 96-346). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

## **APPROVING (continued)**

96-2929 85. Professional Services Agreement with Public Technology, Inc., (PTI), to provide consulting services for City's Information Technology needs. (Council Communication No. 96-340). **Moved by Vlassis to receive, file and adopt the recommendations contained in the Council Communication No. 96-340. Motion Carried 7-0.**

96-2930 86. Storm Water Utility Annual Report. (Council Communication No. 96-352). **Moved by McPherson to receive and file report. Motion Carried 7-0.**



96-2931 87. Contract with the City of Chicago, Illinois, for establishing an E-85 (Ethanol) refueling infrastructure, under the Energy Technology Grant Program, (Department of Natural Resources).(Council Communication No. 96-356). **Moved by Hensley to defer one week to 8-26-96. Motion Carried 6-1. Absent: Daniels.**

88. The following personnel items, (Council Communication No. 96-341):

96-2932 (A) Reinstatement and modification of job classification for Laboratory Aide. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

96-2933 (B) Establishing new job classification for Section 8 Services Coordinator, Housing Services Department, Range 23A (AFSCME). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

89. The following personnel items, deferred from 8-5-96:

96-2934 (A) Modified job specifications, title change, and pay range for Radio Maintenance Worker to Emergency Equipment Technician - (CIPEC, Range 18 to 20). **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

96-2935 (B) Pay Range changes for the following (CIPEC) classifications: Electrician - (Range 24 to 25A), Electronic Technician - (Range 24 to 25A), Electrical Maintenance Chief - (Range 26 to 27), and Pumping Station Technician - (Range 18 to 19). **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

**\*\*Council Member Flagg left the meeting at 7:30 P.M.\*\***

## **COUNCIL REQUESTS**

96-2936 90. Request from Council Members McPherson and Phillips to discuss the intersection of East University and Williams Street. **Moved by Phillips to receive, file and discuss and refer to City Manager for a status report at the first Council Meeting in December (12-2-96). Motion Carried 6-1. Absent: Flagg.**

## **COMMUNICATIONS/REPORTS**

96-2937 91. Request from Meadows Park Tenant Organization to speak regarding the maintenance of SW 80th Street (County Line Road), between Fleur Drive and SW 42nd Street. **Moved by Hensley to receive, file and grant the request to speak. Tenants will work with Community Development Department to form a recognized neighborhood association. Motion Carried 6-1. Absent: Flagg.**

96-2938 92. Request from Alan Billyard to speak regarding housing code enforcement charges on 846 19th Street. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

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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 Dept. Director shall be placed on file with the City Clerk.**

96-2939 1. Oral request from Council Member McPherson to discuss School Resource Officer Program. **Moved by McPherson to refer to City Manager for review and recommendation of the proposal for a surcharge on traffic tickets and other methods of possible funding outside of General Fund. Motion Carried 6-1. Absent: Flagg.**

2. Approving Private Construction Contracts between Eco-Tech Contractors, Inc. Contractors, and Coldwell Bankers/Mid-America Group Realtors, Owners for the following to service proposed Lakeview Heights Phase II Subdivision, S.E. 34th Street and Evergreen Avenue: SPONSOR: Phillips.

96-2940 (A) Sanitary Sewer Improvements. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-2941 (B) Storm Sewer Improvements. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-2942 (C) Paving Improvements. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

## **EXTRA ITEMS (continued)**

96-2943 3. Release of City liens against Public Nuisance Property at 1815-8th Street, in conjunction with rehabilitation and resale (Midland Homes) as a single family dwelling. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-2944 4. Approving application from F.L. & H. Inc., dba Spectators Sports Bar and Grill, 508 Clifton, for Class "C" Liquor License, (including coin-operating machines and Cigarette License). SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-2945 5. Approving recommendation from Council Member Tom Vlassis, for appointment of Charlene Taylor to the Greater Des Moines Sister City Commission, to fill unexpired term of Evelyn Murphy, to expire April 28, 1997. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

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

## **BOARD OF HEALTH**

**August 19, 1996**

96-2946 MOTION TO CONVENE. **Moved by Phillips that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

### **AUTHORIZING**

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

96-2947 (a) 1308 18th Street (vacant) TITLEHOLDER(S)/ LANDLORD(S): Melvern L. Butts and Roverta L. Butts; LEGAL INTEREST HOLDER(S): Kayne Anderson - Non-Traditional Investments, ATTN: Bill Miller, Vice President & Treasurer and James and Nancy Nervig. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-2948 (b) 2004 E. 23rd Street (vacant) TITLEHOLDER(S)/ LANDLORD(S): Secretary of Housing and Urban Development; LEGAL INTEREST HOLDER(S): GMAC Mortgage Corporation of Iowa n/k/a/ GMAC Mortgage Corporation of PA, ATTN: C.T. Corporation System, Registered Agent. **Moved by Phillips to adopt. Motion Carried 5-1. Absent: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2949 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 7:45 P.M. Motion Carried 6-1. Absent: Flagg.**