

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 16, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(a) Donaghy-Kempton Appreciation Day

by Council Member McPherson

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) "Outstanding Host City" of the 1995 AAU Junior Olympic Games, by Greater Des Moines Sports Authority Incorporated

(b) Formal Welcome for Janet Davidson, Planning Exchange Partner from Wales.

INVOCATION: Pastor LeAnn Stubbs

St. John's Lutheran

96-3123 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-3124 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3125 3. APPROVING CONSENT AGENDA - items 3 through 74: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-3126 4. Communication from Legal Department regarding September 16, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "C" Beer Licenses

96-3127 5. Casey's Marketing Company, Donald F. Lamberti, President dba Casey's General Store, 4560 N. 14th Street; Renewal - Expires 9-30-96 (With Sunday Sales) - Application submitted 7-22-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Liquor Licenses

96-3128 6. Alfred J. Comito dba Al's Two River, 1300 SE 1st Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 8-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3129 7. Vicki D. Hall dba McDowell's Pit Stop, 607 Southeast 30th Street; Renewal - Expired 9-5-96 (With Sunday Sales) - Application submitted 8-5-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3130 8. Kimber L. Graves dba Mr. Bill's Back Door Tavern, 2279 Hubbell Avenue; Renewal - Expires 9-24-96 - Application submitted 8-27-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3131 9. The Pier, Inc., Henry Schneider IV, President dba The Pier, 4555 Fleur Drive; Renewal - Expires 9-19-96 (With Sunday Sales) - Application submitted 8-21-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3132 10. Riccelli Brothers, Inc., Terry Riccelli, President dba Riccelli's Mainliner, 5415 Fleur Drive; Renewal - Expired 9-8-96 (With Sunday Sales and Beer Garden) - Application submitted 7-25-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-3133 11. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3134 12. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued):

Beer Gardens

96-3135 13. Approving temporary beer garden for Peggy's Corporation, James Scheetz, President dba Peggy's Cafe & Tavern, 3020 Forest Avenue for event (Parents Weekend - Drake University) to be held October 4 & 5, 1996. Application submitted 9-3-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

96-3136 14. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Sunday Sales

96-3137 15. Gorvanos, Inc., Steven Fetters, President dba Gorvanos Pizza and Pub, 6305 Southwest 9th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3138 16. Tony's Lounge, Inc., Janet L. Mortale, President dba Tony's Sports Bar & Grill, 918 East Euclid. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

96-3139 17. Environmental Access License with Burlington Northern Railroad Co. for Right of Entry, between SW 9th and SW 11th Streets, Phase II Environmental Testing in conjunction with ML King Jr. Parking, \$413. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

18. Resolution Ordering Construction of the following:

96-3140 (A) Demolition Contract No. 164, Board of Health Nuisance Abatement Contract (B.H.N.A.C.), Receiving of Bids, (10-1-96), and Setting Date of Hearing, (10-7-96), (Construction Estimate - \$77,000). **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3141 (B) Army Post Road and South Union Street Widening and Signalization, (IDOT Project), Setting Date of Hearing, (10-7-96), (Construction Estimate - \$1,576,580.50). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3142 19. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 33 locations, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-3143 20. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by one property owner, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3144 21. Approving partial payments on fifteen (15) public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3145 22. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

96-3146 (A) E. Park Avenue Widening at SE 14th Street, (IDOT Project), Eco Tech Contractors, Inc., \$913.80 is now due and remaining balance of \$7,185.54 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3147 (B) 1995 Sidewalk Replacement Program, Double T Asphalt Co., Inc., \$220.86 is now due and remaining balance of \$12,376.80 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3148 (C) Emergency Operating Center, Brown Bros., Inc. Electrical Contractors, \$3,129.30 is now due and remaining balance of \$2,014.35 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

SPECIAL ASSESSMENTS

96-3149 24. Approving Schedule of Deficiency Assessments Schedule No. 1997-38. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3150 25. Authorizing the Assessment Clerk to correct NAC-Emergency Orders Assessment Schedule 1997-34, charges were assessed to 1413 York Street, which were already paid. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-3151 26. Fair Market Value, in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop By-Pass (CBD Loop), from Merlin Kosht and Tom Crosier, 2005 Leyner Street - \$7,000, 2008 Leyner Street - \$30,000 and 835 Martin Luther King, Jr. Parkway - \$44,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3152 27. Fair Market Value, in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop By-Pass (CBD Loop), from Des Moines Habitat for Humanity, Inc., 860 Martin Luther King, Jr. Parkway - \$2,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3153 28. Purchase of 2021/2023 Grand Avenue for \$3,574,455.20, in Conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop), from Bob J. Knapp, Barbara J. Knapp and Jill L. Lundberg. (Council Communication No. 96-403). **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3154 29. Purchase of property in the vicinity of East Ovid Avenue and East Delaware Avenue for \$94,000, in conjunction with Channel Excavation of the 7th Ward Ditch North of East Hull Avenue Basin, from LaVerne W. and Shirley Simpson. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-3155 30. Department of the Army Easement for Public Road or Street Located on U.S. Army Reserve Center, Fort Des Moines, Polk County, Iowa, in conjunction with Iowa 5 (Army Post Road) and South Union Intersection Improvement, from Secretary of the Army - \$750. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3156 31. Condemnation Commissioners award of \$7,000, plus \$700 attorney's fees plus Sheriff's fees and jury expenses, in conjunction with US 69 (East 14th Street) and Aurora Avenue Intersection Improvement, to Kenneth and Ann Sheibley, dba Kenny Sheibley Auto Body. **Moved by Vlassis to adopt. Motion Carried 7-0.**

32. Temporary Easement for Construction, in conjunction with Channel Excavation-7th Ward Ditch, North of East Hull Avenue Basin, from:

96-3157 (A) Robert E. and Norine G. Fessler, 2012 E. Ovid Avenue - \$125. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3158 (B) Forest Siding Supply, Inc., 2035 E. Ovid Avenue - \$180. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

LAND/PROPERTY TRANSACTIONS (continued)

96-3159 33. Easement for Sanitary Sewer Right-of-Way, in conjunction with Somerset II Subdivision, from Clarke & Clarke, L.C. - \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3160 34. Easement for Sanitary Sewer Right-of-Way, in conjunction with Druid Hill Townhomes, from Clarke Company, Limited, 2800 Block of Druid Hill Drive - \$1. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3161 35. Easement for Sanitary Sewer Right-of-Way, in conjunction with Woods on the River Plat 1 (River Chase Townhomes), from Clarke Company Limited, SE 22nd Street-\$1. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-3162 36. Removal of the Four Mile Neighborhood Association from the list of Recognized Neighborhoods, pursuant to Neighborhood Recognition Policy. (Council Communication No. 96-389). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3163 37. Nomination recommendation of Council Member At-Large, George E. Flagg, for appointment of Ben E. Allers to the Des Moines Access Advisory Board to fill the unexpired term of Robert Gernes to expire June 15, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3164 38. Communication from Housing Services, referencing vacancy on the Des Moines Public Housing Board due to resignation of Robert Raker, effective May 22, 1996. **Moved by Vlassis to declare the seat vacant. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

96-3165 39. Regarding request from Richard E. Ramsey, for the National Benevolent Association of the Christian Church (Disciples of Christ), for vacation and conveyance of a portion of east/west alley right-of-way in the vicinity of 1611-27th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3166 40. Regarding request from Ms. Lela Wilson, to purchase city property in vicinity of 2700 block of E. 35th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3167 41. Regarding request from Grace E. Maxwell, for vacation and conveyance of a portion of a north/south alley right-of-way and a portion of Shaw Street right-of-way in vicinity of 700 SE Seventh Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS (continued)

96-3168 42. Regarding request from Jason P. Thein, Attorney for estate of Gene J. Miller, for vacation and conveyance of a portion of a north/south alley right-of-way and Third Street right-of-way at 214 Third Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-3169 43. On the 10th Amendment to the Logan Omnibus Urban Renewal Plan, to remove an irregularly shaped area between Dean, E. 13th, Mattern and E. 23rd, and include it in the Proposed ACCENT Neighborhood Urban Renewal Area, (10-21-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3170 (A) On proposed Urban Renewal Plan for ACCENT Neighborhood Urban Renewal Project, (10-21-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

****Council considered Item 95B next****

96-3171 44. On Sale of city-owned property at 3050 Raccoon Street, to Denny J. and Valerie Fuller, \$924 plus costs, (9-23-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3172 45. On conveyance of vacated East/West alley right-of-way in vicinity of SE Ninth and Hillside Avenue, to John Coxe, \$25 plus costs, (9-23-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3173 46. On vacation of right-of-way and sale of license for continued maintenance of building encroachments, 214 Third Street, (9-23-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3174 47. On application from Ryan Schmitz, of Super Wash Inc., to rezone property in the 2121 block of E. Park Avenue, from a Limited "C-1" (Neighborhood Retail Commercial) to a "C-2" (General Retail and Highway Oriented Commercial) and to find this in conformance with the Des Moines 2000 Land Use Plan, (10-7-96), (City Plan Commission recommends DENIAL). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-3175 48. Approving payment in amount of \$237.60 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Kayne Robinson in the case of Veasley, Brown, Knox and Tarver v. City et al. **Moved by Vlassis to approve payment. Motion Carried**

6-0. Mayor Davis declares a conflict of interest, and abstains from voting.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)

96-3176 49. Approving payment in amount of \$98.80 to Hopkins & Huebner, P.C. for representation of William Moulder in the case of Veasley, Brown, Knox and Tarver v. City, et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

96-3177 50. Approving payment in amount of \$104.50 to David A. Tank of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Preston Daniels in case of Jerry Thompson v. City. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3178 51. Approving payment in amount of \$15,485.65 to Nyemaster, Goode, McLaughlin, Voights, West, Hansell & O'Brien for representation of City of Des Moines in case of Jerry Thompson v. City. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3179 52. Approving payment in amount of \$480.36 to Hopkins and Huebner, P.C. for representation of William Moulder in case of Thomas Simms Van Baale, v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3180 53. Approving payment in amount of \$55.85 from Becky Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Kayne Robinson in case of Thomas Simms VanBaale, v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

CITY MANAGER COMMUNICATIONS

96-3181 54. Submitting out of state travel request for Mark Godwin. (Council Communication No. 96-388). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

96-3182 55. Issuance of Certificate of Completion for Disposition Parcel No. 32- Phase 1 (1801 Guthrie Avenue-Guthrie Avenue Business Park Urban Renewal Area), to Moss Dev. L.C., and release of Good Faith Deposit. (Council Communication No. 96-399). **Moved by Vlassis to approve. Motion Carried 7-0.**

96-3183 56. Reconsideration of Amendment No. One to the Des Moines Action Loan Fund (DMALF) Loan Agreement with Accent Holding Company, L.C.-Sponsor to reconsider--

Hensley. (Council Communication No. 96-398). **Moved by Vlassis to reconsider and approve. Motion Carried 7-0.**

APPROVING (continued)

57. Approving Enterprise Community Social Services Block Grant (SSBG) entitlement funds to the following, (Council Communication No. 96-390):

96-3184 (A) The Citizens for Community Improvement (CCI) and the Community Housing Development Corporation (CHDC) collaboration, \$10,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3185 (B) OSACS Women's Center, Big Brothers/Big Sisters, and the Des Moines Public Schools collaboration, \$30,000. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-3186 (C) Des Moines Area Community College-Career Opportunity Program, \$20,000. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3187 58. Approving HOME Agreement with Community Housing Development Corporation to acquire and rehabilitate two single family owner-occupied properties, City funding of \$60,000 in 1996 HOME funds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3188 59. Approving HOME Agreement with Community Housing Development Corporation to acquire and rehabilitate three homes in the Enterprise Community area, City funding of \$90,310 in 1995 HOME funds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3189 60. Approving request of Greater Eastside Development for Amendment One to the Neighborhood Support Services Project, which reduces the amount of 1995 CDBG carryover funds by \$1,829 from \$6,000 to \$4,171. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3190 61. Approving request of Willkie House, for Amendment One to the Resource and Program Development Project which reduces the amount of 1995 CDBG carryover funds by \$3,783, from \$14,000 to \$10,217. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3191 62. Approving Amendment One to the 1996 Emergency Shelter Grant contract-Family Violence Center Project, which adds \$26,640 to Activity 2 (Essential Services) and deducts \$21,640 from Activity 3 (Operations) and deducts \$5,000 from Activity 4 (Homeless Prevention) for use to maintain the Family Violence Center Child Advocate position. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-3192 63. Approving Amendment One to a contract with Iowa Department of Human Rights/Division of Community Action Agencies, adding \$1,710 for a total of \$316,773. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3193 64. Approving the closing of Weatherization Contract HEAP-96-07J-95 with Iowa Department of Human Rights/Division of Community Action Agencies. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3194 65. Approval of Conveyance of City-Owned Municipal Housing Agency Property Pursuant to Affordable Home Ownership Program, for property at 1550 16th Street, to Castine I. Johnson-McGlown, for \$39,000. (Council Communication No. 96-391). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3195 66. Iowa Department of Transportation Application to Adopt-A-Highway from Kiwanis Club of West Des Moines on Iowa 28, within City limits from Milepost 15.6 ending at Milepost 17.8 **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3196 67. Report of Civil Service Commission submitting the Civil Service Entrance Lists for Intermediate Clerk Typist, Park Maintenance Mechanic, Senior Park Planner, and Computer Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-3197 68. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3198 69. Authorizing Finance Director to draw warrants on register of September 20, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning September 16, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-3199 70. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Requests for corner clearances on the east side of E. 38th Street south of E. Sheridan, and on the north side of Filmore Street east of Penn; traffic regulation changes due to recent construction on Dean Avenue and on Lawnwoods Drive; request to reverse parking

restriction from the east side of SW 3rd between Kenyon and Porter to the west side. **Moved by Vlassis that this ordinance do now pass, #13,375. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION (continued)

96-3200 71. On vacation of the north/south right-of-way between SW Second and SW Third Streets, and between Rose and Watrous Avenues. **Moved by Vlassis that this ordinance do now pass, #13,376. Motion Carried 7-0.**

96-3201 72. Amendment to Chapter 2A-Zoning Ordinance, regarding permitted location of communication towers and antennas, as amended. **Moved by Hensley that this ordinance do now pass, #13,377. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-3202 73. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes at the following locations: corner clearance on the North side of Elizabeth Avenue west of Searle Street, East side of Fortieth Place north of Hickman Road, and north side of East Madison Avenue east of North Union Street. **Moved by Vlassis to that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-3203 74. Amending Chapter 7 of the Municipal Code regarding, dog and cat licensing, vicious animal licensing, and miscellaneous code updates. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-3204 (A) Final consideration of ordinance above, (wavier requested by City Clerk), requires 6 votes. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,378. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-3205 75. Amending Chapter 2 of the Municipal Code regarding political activity of City employees, to coordinate with provisions of the State Code. (Council Communication No. 96-401) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 85 before the hearings****

HEARINGS (Opened at 5:30 P.M.) (Items 76 thru 84)

96-3206 76. On Nuisance Action for property at 1437 E. Washington, (greenhouse). (Council Communication No. 96-395) **Moved by McPherson to adopt and move forward expeditiously. Motion Carried 7-0.**

96-3207 (A) Request from Youth Working for Positive Change, to speak regarding status of property demolition at 1437 E. Washington. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 7-0.**

96-3208 77. On application from Shannon Holz, Principal Mutual Life Insurance, for approval of a Second Amendment to PUD Conceptual Plan "Hillside Neighborhood" to revise easterly portion of property to allow existing surface parking to be used by Principal Mutual until September 1, 2001. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-3209 78. On application from William Flannery, City Aviation Department, to rezone property in the vicinity of Fleur Drive and SW 46th Street, from Wolcott to just north of Littell, from an "R1-80" (One Family Residential District classification), to an "M-3" (Limited Industrial District), and to rezone airport property north of relocated Watrous from "M-3" to an "R1-80". (Council Communication No. 96-394) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-3210 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

79. On proposed amendments to connection fee ordinances:

96-3211 (A) Easter Lake Area Trunk Sewer Benefited District. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

96-3212 (B) Four Mile East Trunk Sewer Benefited District. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

96-3213 (C) Final consideration of ordinance 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). **Moved by Phillips that this**

ordinance do now pass, #13,379. Motion Carried 6-1. Pass: Flagg.

HEARINGS (continued)

96-3214 80. On proposed amendments to the Municipal Code to establish a procedure for acting upon requests for "reasonable accommodation" under the 1988 Amendments to the Fair Housing Act; on proposed amendments 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, (continued from 9-3-96) **Moved by Hensley to close the public hearing. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

96-3215 (A) First consideration of ordinance adopting procedure for acting upon requests for reasonable accommodation. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

96-3216 (B) Resolution adopting list of Factors to be Considered in ruling upon an application for reasonable accommodation. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

96-3217 (C) First consideration of ordinance amending the zoning regulation regarding the permitted location of supervised group residences, family homes, elder family homes and elder group homes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. MOTION FAILED 1-5-1 Yeas: Davis. Nays: Phillips, Daniels, Flagg, Hensley, McPherson. Pass: Vlassis.**

96-3218 (D) Resolution referring amendment to the City's Comprehensive Housing Plan, to the Plan and Zoning Commission. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

96-3219 81. On SE 8th Street and E. Granger Avenue Sanitary Sewer Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company Ltd. (Duane Burkhardt, Pres, 2407 SW 9th, DM), \$54,027. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3220 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

HEARINGS (continued)

96-3221 82. On Seventh Ward Ditch Improvements North of E. Hull Avenue Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Herberger Construction Co. Inc., (Dennis Herberger, Sec. Treas, Indianola), \$510,971.12 **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3222 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3223 83. On Birdland Pool Amenities: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Taylor Ball L.C. - Iowa Division (Richard Haas Pres, WDM), \$465,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3224 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3225 84. On Des Moines River North Levee Tree Removal - SE 14th Street to the Extension of SE 24th Court: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Wright Tree Care Company, (Linda N. Wright, Pres, Clive), \$72,240. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3226 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:28 P.M. * *

CITY MANAGER RECOMMENDATIONS

96-3227 85. Submitting recommendation for the position of Fire Chief for the City of Des Moines. **Moved by Phillips to adopt the recommendation of the City Manager and appoint James L. Hunt as Fire Chief for the City of Des Moines, as more specifically outlined in the attached communication. Motion Carried 5-2. Nays: Flagg and McPherson.**

APPROVING

96-3228 86. Submitting ballot proposition language for proposal to impose a local option sales and services tax to the Polk County Commissioner of Elections, for election to be held December 10, 1996. **Moved by Hensley to adopt; subject to reaching an appropriate Intergovernmental Agreement with the School District, regarding future School District Bonding activity. City Manager and Legal to present a resolution at next meeting (9-23-96) regarding commitment of Local Option Sales Tax Revenue for funding Police Officers. Motion Carried 5-1. Nays: Flagg. Council Member McPherson declares a conflict of interest, and abstains from voting.**

****Council Member Flagg left the meeting at 6:30 P.M.****

96-3229 87. Submitting Final Report from RAMP Associates, for Study of Operation and Financial Performance of the Municipal Parking System. (Council Communication No. 96-387) **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Flagg.**

96-3230 88. Governor's Traffic Safety Bureau grant applications, for continuation of Community Accident Prevention Awareness and Belt Law Education Program, \$18,000. (Council Communication No. 96-386) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3231 89. Revisions to Cemetery Rules and Regulations, as prepared by the Park Board's Cemetery Committee. (Council Communication No. 96-396). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3232 90. Approving Public Housing Board's Recommendation for disposal of twelve (12) vacant lots, which were acquired for the Housing Agency's "City Beat" development project. (Council Communication No. 96-392). **Moved by McPherson to defer action. Staff to address concerns raised regarding "U-1" and "R-2" Zoning and duplication of house design in a concentrated area. Motion Carried 6-1. Absent: Flagg.**

96-3233 91. Facility Use Agreement with the Botanical Center, to provide food and beverage concession services. (Council Communication No. 96-393). **Moved by Hensley to defer action one week for additional information from staff regarding percentage paid to City and liquor license arrangement. Motion Carried 6-1. Absent: Flagg.**

96-3234 92. Amended job specifications for Finance Director, updating duties and employment standards and to comply with Americans with Disabilities Act (ADA). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

APPROVING (continued)

96-3235 93. Amended job specifications for Housing Services Security Guard; updating duties and minimum qualifications and to comply with ADA. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3236 94. Documents regarding State of Iowa Community Economic Betterment Account (CEBA) Float Loan, and local contribution from City of \$72,500, for Anderson Erickson Dairy Co. (also relates to Consent Agenda Item No. 43). (Council Communication No. 96-397). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

COUNCIL REQUESTS

95. Oral requests from Council Member McPherson, to discuss the following:

96-3237 (A) Surcharge on traffic tickets and use for funding School Resource Officer Program. **Moved by McPherson to refer to City Council Legislative Sub-Committee to pursue with City Lobbyist. Motion Carried 4-3. Absent: Daniels, Flagg and Vlassis.**

96-3238 (B) Property at East 14th and Hull. **Moved by McPherson to refer to Legal and Zoning for intensified enforcement on Southwest corner, and a response on possible use of a TIF funding allocation for one year, to provide demolition/renovation in each Ward for properties of this type on Northwest corner; City Manager to address specifics. Motion Carried 6-1. Absent: Flagg.**

96-3239 (C) Neighborhood concerns regarding oversized billboard adjacent to residential areas. **Defer to 9-23-96.**

96-3240 (D) Basic standards for single-family dwellings and 20' dimension restrictions, and need for additional restrictions in R-2 areas including higher-pitched roof requirement and architectural restrictions. **Defer to 9-23-96.**

96-3241 (E) Need for ordinance regarding perpetual yard sales. **Defer to 9-23-96.**

96-3242 (F) Bulk Waste and pick-up schedule for neighborhoods. **Defer to 9-23-96.**

COMMUNICATIONS/REPORTS

96-3243 96. Request from Meadows Park Tenant Organization, to speak regarding maintenance and upkeep of SW 80th from Fleur Drive to SW 42nd Street. **Moved by Hensley to receive, file and grant the request so speak. City Manager to report on "Drug Free Zone" signs and creek drainage tubes. 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 Department Director shall be placed on file with the City Clerk.

96-3244 1. Approving recommendation of Mayor Davis, for appointment of Sue Luthens to the Public Housing Board, to fill unexpired term of Andrew Mooney, to expire June 30, 1997. **Moved by Daniels to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3245 2. Second Amendment to the Development Agreement for Riverpoint-Capitol Center Development Area, Cityview Apartment Project (Ninth and Crocker Streets) and related matters. Council Communication No. 96-400. SPONSOR: Mayor Davis. **Moved by Daniels to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3246 3. Request from Ce Ce Ibson, Beacon of Life and Hawthorn Hill/New Directions, to close Pleasant Street from Ninth Street to 10th Street, Sunday, September 22, from 4:00 to 6:00 P.M. SPONSOR: Hensley **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3247 4. Approving employment of Frank Harty and the Firm of Nyemaster, Goode, McLaughlin, Voights, West, Hansell & O'Brien, to consult and perform services in conjunction with Collective Bargaining and related matters. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Flagg.**

96-3248 5. Recommending approval of Intergovernmental 28E Agreement between the Des Moines Conference Board and Polk County Conference Board, for merger of operation between

the Des Moines City Assessor's Office and Polk County Assessor's Office. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

EXTRA ITEMS (continued)

96-3249 6. Ratifying emergency purchase for replacement of air conditioner compressor at the South Side Library, \$7,100--Stroh Corporation, (Council Communication No. 96-402).

SPONSOR: Hensley **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

96-3250 7. Approving Private Construction Project for storm sewer to service the proposed Bell Avenue Apartments, 1200 E. Bell, between Eco tech Contractors, Contractors and Walters Homes Ltd. Owners. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3251 8. Approving recommendation of Council Member Daniels, that Council Member Gene Phillips be appointment as the City of Des Moines alternate representative on the Board of the Metro Waste Authority, to replace Council Member McPherson. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

A G E N D A

BOARD OF HEALTH

September 16, 1996

96-3252 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 locations:

96-3253 (A) 4054 Plainview Dr. (vacant) TITLEHOLDER(S)/LANDLORDS(S): Nolan Jene Moss and Barbara Jean Moss; LEGAL INTEREST HOLDER: Bank United of Texas, FSB. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3254 (B) 409 Hartford (vacant) TITLEHOLDERS(S)/ LANDLORD(S): David B. Umphress and Debbie Umphress; CONTRACT BUYER: Karen J. Franklyn; **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3255 (C) 1772 Lyon Street, (vacant) TITLEHOLDER: Ranchland Co. ATTN: Clarence DeBoom. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3256 (D) 2020 M.L. King Jr., Pkwy., (vacant) TITLEHOLDER(S): Kim Vien Nogoc a/k/a Ngoc Vien Kim and Lan Thi Kim. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3257 2. Release of demolition cost reserve held under claim number 14K11930 regarding property known as 1120 21st Street owned by Florencio Estrada and Paula Lara Estrada. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3258 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 8:07 P.M. Motion Carried 6-1. Absent: Flagg.**