

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 2, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(a) Holiday Food Basket Program

(b) Human Rights Month

INVOCATION: Rev. Robert Notman-Cook

Gatchel Methodist Church

96-3922 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-3923 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3924 3. APPROVING CONSENT AGENDA - items 3 through 67: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-3925 4. Communication from Legal Department regarding December 2, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-3926 5. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402020, 5715 Douglas Avenue; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 10-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3927 6. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402024, 1435 Army Post Road; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 10-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3928 7. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402033, 3704 Northeast 14th Street; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 10-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3929 8. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402042, 2929 East University Avenue; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 10-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3930 9. RLL, Inc., Rodger L. Lecocq, President dba Scruffy's, 429 Grand Avenue; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 11-7-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

96-3931 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #24, 4200 University; Renewal - Expires 1-17-97 (With Sunday Sales) - Application submitted 11-8-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3932 11. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #2, 1307 Army Post Road; Renewal - Expires 1-7-97 (With Sunday Sales) - Application submitted 11-7-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3933 12. Krause Gentle Corporation, W A Krause, President dba Kum & Go #36, 2103 East Euclid; Renewal - Expires 12-11-96 (With Sunday Sales) - Application submitted 10-1-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3934 13. Krause Gentle Corporation, W A Krause, President dba Kum & Go #552, 4944 Douglas; Renewal - Expires 1-26-97 (With Sunday Sales) - Application submitted 11-7-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

LICENSES AND PERMITS (continued):

96-3935 14. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #555, 4001 Southwest 9th Street; Renewal - Expires 12-17-96 (With Sunday Sales) - Application submitted 11-12-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

96-3936 15. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food and Drugstore #2, 2540 East Euclid; Renewal - Expires 12-17-96 (With Sunday Sales) - Application submitted 11-8-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3937 16. Contemporary Industries Midwest, Bruce E. Dawson, President dba 7-Eleven Store #308, 2601 East Euclid; Renewal - Expires 12-12-96 (With Sunday Sales) - Application submitted 10-28-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

96-3938 17. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402039, 3110 Forest Avenue; Renewal - Expires 12-31-96 (With Sunday Sales) - Application submitted 10-7-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

96-3939 18. Air Lanes, Ltd, Ron Pohlada, President dba Air Lanes, 4200 Fleur Drive; Renewal - Expires 12-3-96 (With Sunday Sales) - Application submitted 11-5-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3940 19. Club Two, Inc., Craig A. Haugh, President dba Club 2000, 2000 Southeast 1st Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 10-31-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3941 20. Senoj, Inc., Richard L. Jones, President dba Dick's Lounge, 3925 East 14th Street; Renewal - Expires 12-14-96 (With Sunday Sales) - Application submitted 11-14-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3942 21. Group Pizza, Inc., Joe Zingerman, President dba Felix & Oscars, 4050 Merle Hay Road; Renewal - Expires 12-12-96 (With Sunday Sales) - Application submitted 11-13-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

96-3943 22. The Ground Round, Inc., Daniel R. Scoggin, President dba The Ground Round, 4345 Merle Hay Road; Renewal - Expired 11-26-96 (With Sunday Sales) - Application submitted 9-11-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3944 23. Phyllis G. Letze dba Letze's King, 3801 Easton Blvd; Renewal - Expires 12-5-96 - Application submitted 11-12-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-3945 24. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3946 25. City Clerk to issue Licenses for Coin-Operated Amusement Devices. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Change of Name

96-3947 26. Communication from Canyon Man Productions, Inc., Terrence J. Montgomery, Jr., President dba Guitars & Cadillacs, 4020 Merle Hay Road submitting name change to Pumpers effective December 5, 1996. **Moved by Vlassis to receive and file. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

PUBLIC IMPROVEMENTS

96-3948 27. Supplemental Agreement with Dunbar/Jones Partnership for development of Landscape Design Guidelines for implementation of East University Avenue Gateway Beautification Concept - \$5,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3949 28. Professional Services Agreement with Shuck-Britson, Inc., for Design Phase Service on Rehabilitation of SW 5th Street Bridge over Raccoon River - \$21,334. (Council Communication No. 96-503) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3950 29. Supplemental Agreement No. 2 to Professional Services Agreement with Designgroup, Inc. for additional work in conjunction with Des Moines Skywalk System Signage - \$29,762. (Council Communication No. 96-510) **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

WITHDRAWN 30. Approving Agreement with Rust Environmental & Infrastructure, Inc., in connection with Property Management Services for the Martin Luther King, Jr., Parkway Project in an amount not to exceed \$320,000. (Council Communication No. 96-515) **Moved by Vlassis to adopt. Motion Carried 7-0.**

31. Resolution Ordering Construction of the following:

96-3951 (A) Asbestos Removal Guthrie Avenue Industrial Park, Phase 3, Receiving of Bids, (12-10-96), and Setting Date of Hearing, (12-16-96), (Construction Estimate - \$8,100). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3952 (B) Union Park Playground Improvements, Receiving of Bids, (12-17-96), and Setting Date of Hearing, (01-6-97), (Construction Estimate - \$63,462). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3953 32. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability for construction of Combined Sewer Overflow Automated Operators, Van Hauen & Associates, Inc., \$20,026 is now due, remaining balance of \$49,574.70 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3954 33. Authorizing City Engineer to proceed with paving or curb replacement program, waivers signed by two property owners, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3955 34. Authorizing the City Manager to acquire the necessary Right-of-Way for the 1995 Paving Program No. 1, Contract No. 2. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3956 35. Approving request from Johnson Concrete & Petroleum Construction, Inc., Contractors, for 1996 Sidewalk Replacement Program, for extension of time to June 30, 1997. **Moved by Vlassis to receive, file; and grant the extension of time until June 30, 1997. Motion Carried 7-0.**

96-3957 36. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3958 37. Approving partial payments on seven public improvement projects. (See roll call for list and funding availability). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-3959 38. Authorizing Assessment Clerk to correct Sidewalk Repair Schedule No. 1993-38, charges in the amount of \$185.10 which were charged to 827 E. 23rd Street, and upon investigation it was determined that it was replaced by the private contractor. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-3960 39. Amended and Substituted Backslope and Property adjustment Easement and Release, in conjunction with Iowa 28 (63rd Street)/University Avenue Intersection Improvement, from William Arthur and June Margaret Landskron, 1129 63rd Street - \$1,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3961 40. Quit Claim Deed from the P. Marian Brown Testamentary Trust and the Cecilia Marian Franklin Hartsell Trust, transferring title to property in the vicinity of 2101 Hartford Avenue, to the City. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3962 41. Approving Noise and Avigation Easements for seven properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3963 42. Bill of Sale from Raccoon Valley Partnership, an Iowa Partnership, n/k/a Raccoon Valley Investment Company, for a billboard in southwest quadrant of SW 40th and Army Post Road, in conjunction with Southwest Airport Trunk Sanitary Sewer - \$900. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3964 43. Condemnation Commissioner's award of \$20,193.52, plus \$4,000 Attorney's fees, plus Sheriff's fees and jury expenses, in conjunction with US 6 (East Euclid Avenue) and Delaware Avenue Intersection Improvement, to Miles and Janet Derrick. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-3965 44. Approving the appointment of Maxine Watkins, to the Woodland-Willkie Citizen Services Task Force, to fill the unexpired term of Eugene White. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3966 45. Recommendation of Mayor Davis, for the appointment of William Dikis to the Urban Renewal Board, to fill the vacancy created by resignation of Gloria Campbell, to expire January 18, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-3967 46. On Council-initiated rezoning request (petition from homeowners), to rezone property in the vicinity of E. Hughes to E. Miller, and from SE Fifth to SE Eighth, from an "R-2" (One and Two Family Residential) to an "R1-60" (One Family Low Density Residential), and to find this rezoning in conformance with the Des Moines 20000 Land Use Plan, (12-16-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 47. On disposition of excess City property at 4416 University, (12-16-96). Council Communication No. 96-502).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-3968 48. Approving payment in amount of \$3,719.20 to Austin, Gaudineer, Austin, Salmons & Swanson for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-CV-70724. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3969 49. Approving payment in amount of \$2,843.68 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit entitled Keystone Electrical Manufacturing Co. v. City of Des Moines, and representation of City in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-3970 50. Communication from City Manager regarding requests for corner clearance at the following locations: South Side of Brattleboro Avenue at various locations between Twenty-eighth Street and Thirty-first Street, East Side of East Ninth Street North and South of Des Moines Street, and West Side of Sixth Avenue South of Laurel Street. (Council Communication No. 96-505) **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

96-3971 51. Contracts funded by State of Iowa, Department of Economic Development, Consultant Management Assistance (CMA) Program, to hire consultants to assist Future Electronic Assemblies, Robert Morris, owner, in finalizing technical specification and engineering components of new company's business plan - \$5,150, as local pass through funding. (Council Communication No. 96-511) **Moved by Vlassis to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3972 52. Amendment to State of Iowa Community Economic Betterment Account (CEBA) Loan Agreement and City of Des Moines Loan Agreement for Roberts and Dybdahl, Inc. to reflect change in project completion date and loan disbursement date - \$2.4 million. (Council Communication No. 96-512) **Moved by Vlassis to approve. Motion Carried 7-0.**

96-3973 53. Agreement with Governor's Traffic Safety Bureau (GTSB) for Police Department to fund Alcohol Incentive Project, December 2, 1996 through September 30, 1997 - \$18,000. (Council Communication No. 96-500) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3974 54. Grant agreement for 1996 Public Housing Drug Elimination Grant - \$256,500. (Council Communication No. 96-501) **Moved by Hensley to adopt. Council requests specific budget information, in the future, regarding grants. Motion Carried 7-0.**

55. Partial release of Judgment Liens against following Polk County Tax Sale Properties:

96-3975 (A) 1231 12th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3976 (B) 1435 5th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

56. Action required to authorize the issuance of Series 1996E and 1996F Bonds authorized by the City Council on November 18, 1996:

96-3977 (A) Issue of \$16,150,000 General Obligation Bonds, 1996E. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3978 (B) Resolution authorizing substitution and appointment of Norwest Bank Iowa, National Association, to serve as paying agent, Bond Registrar and Transfer Agent for certain outstanding bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-3979 56. (C) Issue of \$36,330,000 General Obligation Refunding Bonds, Series 1996F. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3980 (D) Redemption of \$8,665,000 Outstanding General Obligation Bonds, Series 1987, and directing Notice of Redemption. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3981 (E) Redemption of \$14,400,000 Outstanding General Obligation bonds, Series 1990C, and directing Notice of Redemption. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3982 (F) Redemption of \$11,800,000 Outstanding General Obligation Bonds, Series 1991A, and directing Notice of Redemption. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3983 57. Communication from Des Moines Water Works submitting 1997 proposed budget. (Budget on file in City Clerk's Office). **Moved by Vlassis to defer to 12-16-96 and refer to City Manager to invite Water Works staff to make a presentation to Council. Motion Carried 7-0.**

96-3984 58. Communication from Downtown Partnership, Inc. on behalf of the Civic Center of Greater Des Moines for approval of banner design for "The Phantom of the Opera" to be displayed on poles around the Civic Center for the months of December, January and February. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3985 59. Approving the Performance and Evaluation Report of the 1994 Community Development Block Grant (CDBG) Flood Relief Program for the period from September 1, 1995

to August 31, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3986 60. Approving the Performance and Evaluation Report of the 1993 Community Development Block Grant (CDBG) Flood Relief Program for the period from September 1, 1995 to August 31, 1996. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3987 61. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

62. Bids for the following:

96-3988 (A) Mid States Ford Truck Sales, Inc., (4300 N.E. 14th Street, Marv Perry, President) for a one-ton truck with aerial lift to be used by the Finance Department (Equipment Maintenance Center), \$29,020.65. (Nine bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3989 (B) Short's Travel Service, Inc., (Waterloo), Camille Hogan, President) for an annual contract for travel agency services for use by City Departments. (Ten bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3990 (C) Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for a four wheel drive pick up truck for use by the Public Works Department (Sanitation Division), \$16,721.30. (Seven bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3991 63. Authorizing Finance Director to draw warrants on registers of December 6, 1996 and December 13, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning December 2, 1996 and December 9, 1996, and the biweekly payroll due employees on December 6, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-3992 64. On application from David Elliott, of Signs of Success, to rezone property at 2907 Douglas from "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow a sign shop. **Moved by Vlassis that this ordinance do now pass, #13,395. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-3993 65. Amending Chapter 9 of the Municipal Code regarding transient merchants. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION (continued)

96-3994 66. Amending Chapter 16 of the Municipal Code, to add multi-family residences to the City Recycling Program. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-3995 67. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Loading Zone on the North side of Crocker East of Ninth Street, and request for corner clearance on the South side of Woodland East of 42nd Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-3996 68. Amending Chapter 8 of the Municipal Code regarding adoption of the updated Electrical Code and changes in electrical licensing process. (Council Communication No. 96-509) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

69. NUMBER NOT USED.

96-3997 70. Amending Chapter 15 of the Municipal Code regarding 1997 Golf

WITHDRAWN Course Fees.

96-3998 (A) Final consideration of ordinance above, (waiver requested

WITHDRAWN by Park and Recreation Department), requires 6 votes. (Council Communication No. 96-519)

96-3999 71. Amending Chapter 15 of the Municipal Code regarding rental fees for space at the Botanical Center. (Council Communication No. 96-507). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-4000 72. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner clearance on the West side of 8th Street North of Crocker, and on the East Side of E. 23rd North of Thompson; shorten parking prohibition on the West side of E. 33rd Court North of E. University; and parking restriction from 8:00 A.M. to 3:00 P.M. School Days, on both sides of California Drive between Chamberlain and 43rd. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered items 87 through 90 next****

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

96-4001 73. To receive comments on the Proposed 1997-98 Capital Improvement Program. **Moved by Vlassis to receive, file and refer to City Manager. Motion Carried 7-0.**

HEARINGS (Opened at 6:02 P.M.) (Items 74 thru 85)

96-4002 74. Communication from City Plan and Zoning Commission finding proposed First Amendment to the Urban Renewal Plan for the Sixth Avenue Urban Renewal Area in conformance with the Des Moines 2000 Comprehensive Plan. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Phillips.**

96-4003 (A) On proposed First Amendment to the Urban Renewal Plan for the Sixth Avenue Urban Renewal Area, to identify additional parcels for acquisition. (Council Communication No. 96-508) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Phillips.**

96-4004 75. On application from L. Todd Whitehead, et. al, to rezone property in vicinity of 6000 and 6146 SW McKinley Avenue, from "R1-80" (One Family Residential) to a "C-2" (General Retail and Highway Oriented Commercial District). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Phillips.**

96-4005 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Phillips.**

96-4006 (B) Amending the Des Moines 2000 Land Use Plan for the above. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Phillips.**

96-4007 (C) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,396. Motion Carried 7-0.**

96-4008 76. On application from Rosemary W. Bishop for the David W. Rothfus Trust, to rezone property at 4530 and 4590 SE 34th Street, from "R1-90" (Large Lot One Family Residential) to an "R1-80" (One Family Residential). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-4009 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (continued)

96-4010 77. On application from Progressive Preservation Alliance, to designate the original Fort Des Moines property, (vicinity of S.W. Ninth Street, Chaffee Road and Army Post Road) as a Local Landmark, (Denied by City Plan Commission, Architectural Advisory Board recommends approval). **Moved by Phillips to adopt with alternative B. The City Staff is directed to return to the City Council within 90 days, and prior to site plan approval, for any development upon the subject property, with proposed covenants for consideration and approval. Motion Carried 6-1. Nays: Flagg.**

96-4011 78. On Saylorville Recreational Trail Lighting near the Botanical Center-IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of construction costs, (IDOT will receive bids on December 3). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-4012 79. On E. 14th Street and E. Aurora Avenue Intersection Improvements-IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of construction costs, (IDOT will receive bids on December 3). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-4013 80. On Fleur Drive Bridge over the Raccoon River and Railroad Bridge Deck Overlay-IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of construction costs, (IDOT will receive bids on December 3). **Moved by Hensley to adopt. Motion Carried 7-0.**

81. Approval of Urban Renewal Plan, TIF Ordinance, amendment to Urban Revitalization (tax abatement) Plan and Development Agreement for AIRPORT COMMERCE PARK WEST, (East of SW 63rd Street from Park to McKinley):

96-4014 (A) Communication from City Plan and Zoning Commission finding proposed Urban Renewal Plan for the Airport Commerce Park West Urban Renewal Project and the First Amendment to the Airport Commerce Park West Urban Revitalization Area Plan to be in

conformance with the Comprehensive Plan. **Moved by Hensley to receive and file. Motion Carried 6-1. Pass: Flagg.**

96-4015 (B) Communication from Community Development Director. **Moved by Hensley to receive and file. Motion Carried 6-1. Pass: Flagg.**

HEARINGS (continued)

96-4016 81. (C) Resolution finding the Airport Commerce Park West Urban Renewal Project Area to be an economic development area and that the development of the Area is necessary in the interest of the public health, safety and welfare. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-4017 (D) Resolution closing hearing on the Urban Renewal Plan for the Airport Commerce Park West Urban Renewal Project and adopting same. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-4018 (E) First consideration of ordinance designating the Airport Commerce Park West Urban Renewal Project Area as a Tax Increment Financing (TIF) district. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

96-4019 (F) Final consideration of ordinance above, (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,397. Motion Carried 6-1. Pass: Flagg.**

96-4020 (G) Resolution finding the expanded Airport Commerce Park West Urban Revitalization Area to be an economic development area and that the development of the Area is necessary in the interest of the public health, safety and welfare. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-4021 (H) Resolution closing hearing on the First Amendment to the Airport Commerce Park West Urban Revitalization Area Plan and adopting same. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-4022 (I) First consideration of ordinance designating the expanded Airport Commerce Park West Urban Revitalization Area as an urban revitalization area. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

96-4023 (J) Final consideration of ordinance above, (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,398. Motion Carried 6-1. Pass: Flagg.**

HEARINGS (continued)

96-4024 81. (K) Resolution closing hearing on urban renewal Development Agreement with Airport Commerce Park, L.C. providing for installation of public infrastructure within the Urban Renewal Project Area, and approving same. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

82. Approval of Urban Renewal Plan, TIF Ordinance, amendment to Urban Revitalization (tax abatement) Plan and Development Agreement for AIRPORT COMMERCE PARK SOUTH, (South of Army Post and West of Fleur Drive):

96-4025 (A) Communication from City Plan and Zoning Commission finding proposed Urban Renewal Plan for the Airport Commerce Park South Urban Renewal Project and the 19th Amendment to the City-wide Urban Revitalization Plan to be in conformance with the Comprehensive Plan. (Council Communication No. 96-521) **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4026 (B) Communication from the Community Development Director. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-4027 (C) Resolution finding the Airport Commerce Park South Urban Renewal Project Area to be an economic development area and that the development of the Area is necessary in the interest of the public health, safety and welfare. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4028 (D) Resolution closing hearing on the Urban Renewal Plan for the Airport Commerce Park South Urban Renewal Project and adopting same. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4029 (E) First consideration of ordinance designating the Airport Commerce Park South Urban Renewal Project Area as a Tax Increment Financing (TIF) district. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-4030 (F) Final consideration of ordinance of ordinance, above, (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,399. Motion Carried 7-0.**

HEARINGS (continued)

96-4031 82. (G) Resolution closing hearing on the 19th Amendment to the City-wide Urban Revitalization Plan to expand the Airport Commerce Park industrial and Commercial Park and adopting same. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4032 (H) Resolution closing hearing on Urban Renewal Development Agreement with Airport Commerce Park, L.C. providing for improvement of Fleur Drive south of Army Post Road and installation of public infrastructure within the Urban Renewal Project Area, and approving same. **Moved by Hensley to adopt. Motion Carried 7-0.**

83. Approval of Urban Renewal Plan, TIF Ordinance, amendment to Urban Revitalization (tax abatement) Plan and Development Agreement for AIRPORT BUSINESS PARK, (East of SW 42nd Street - Highway 28 between Army Post Road and County Line Road):

96-4033 (A) Communication from City Plan and Zoning Commission finding proposed Urban Renewal Plan for the Airport Business Park Urban Renewal Area and the Second Amendment to the Airport Business Park Urban Revitalization Area Plan to be in conformance with the Comprehensive Plan. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-4034 (B) Communication from Community Development Director. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-4035 (C) Resolution finding the Airport Business Park Urban Renewal Project Area to be an economic development area and that the development of the Area is necessary in the interest of the public health, safety and welfare. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4036 (D) Resolution closing hearing on the Urban Renewal Plan for the Airport Business Park Urban Renewal Project and adopting same. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4037 (E) First consideration of ordinance designating the Airport Business Park Urban Renewal Project Area as a Tax Increment Financing (TIF) district. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (continued)

96-4038 83. (F) Final consideration of ordinance above, (waiver requested by ABC Partners L.P.), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,400. Motion Carried 7-0.**

96-4039 (G) Resolution finding the Airport Business Park Urban Revitalization Area to be an economic development area and that the development of the Area is necessary in the interest of the public health, safety, and welfare. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4040 (H) Resolution closing hearing on the Second Amendment to the Airport Business Park Urban Revitalization Area Plan and adopting same. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4041 (I) First consideration of ordinance designating the expanded Airport Business Park Urban Revitalization Area as an urban revitalization area. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-4042 (J) Final consideration of ordinance above, (waiver requested by ABC Partners L.P.), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,401. Motion Carried 7-0.**

96-4043 (K) Resolution closing hearing on Urban Renewal Development Agreement with ABC Partners, L.P., providing for installation of public infrastructure within the Urban Renewal Project Area, and approving same. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4044 84. On amendment to the Zoning Ordinance to create a new "Pedestrian Commercial District", and continue to 12-16-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4045 85. On appeal from Daniel Murillo, regarding denial of application for taxicab license. **Moved by Vlassis to deny license. Motion Carried 7-0.**

* * END HEARINGS at 7:10 P.M. * *

****Council considered Item 91 through end of agenda next****

APPROVING

96-4046 86. Glendale Cemetery License to Islamic Center of Des Moines for

WITHDRAWN burial area (one-half acre) - \$21,372 one time fee and \$21,750 annually.
(Council Communication No. 96-506)

96-4047 87. Community Economic Betterment Account (CEBA) application to State of Iowa and contribution from City's Des Moines Action Loan Fund to EMCO Industries, Inc., - \$200,000. (Council Communication No. 96-513) **Moved by Vlassis to approve. Motion Carried 7-0.**

96-4048 88. Application for Historic Preservation Fund Certified Local Government grant program to hire consultant to prepare historic district nomination for National Register of Historic Places for Highland Park, Sixth and Euclid, not to exceed \$6,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-4049 89. Agreement for extension of Fleet Management and Vehicle Maintenance contract with Managed Logistics Systems, Inc. through December 31, 1997. (Council Communication No. 96-516) **Moved by Hensley to adopt for six (6) months, with another six (6) month option to renew, if necessary, and agreed to by both parties. Motion Carried 6-1. Pass: Vlassis.**

90. Continued implementation of Memorandum of Agreement (MOA) to provide staff support for implementation of Enterprise Community Strategic Plan with the following:

96-4050 (A) United Way - providing \$37,500 in 1996-97 funds and \$12,326.26 in unused 1995-96 funds. **Moved by Phillips to adopt. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

96-4051 (B) Polk County - providing \$37,500 in funds. (Council Communication No. 96-504). **Moved by Phillips to adopt. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

****Council considered Hearing Items 73 through 85 next****

96-4052 91. Approving Chapter 28E Agreement with Polk County Conservation Board to fund design and construction, and for operation and maintenance of an environmental trash rack on Yeader Creek in Ewing Park. (Council Communication No. 96-514). **Moved by Phillips to adopt. Motion Carried 7-0.**

APPROVING (continued)

92. Renewal of Supervisory, Professional, Management (SPM) Alternative Health Insurance Contracts, effective January 1, 1997, for the following:

96-4053 (A) Unity Choice Health Plan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-4054 (B) SecureCare of Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-4055 (C) Principal Health Care of Iowa. (Council Communication No. 96-517). **Moved by Vlassis to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

96-4056 93. Oral request of Council Member Mike McPherson to discuss an idea for East Downtown Des Moines Development. **Moved by McPherson to receive and file. Discussion involved a need for retail shopping on the Northeast side; perhaps a mall in East side downtown and/or underground shops in conjunction with proposed redevelopment. Motion Carried 7-0.**

****Council Member McPherson left at 7:20 P.M.****

COMMUNICATIONS/REPORTS

96-4057 94. From Cindy Scott, 1332 - 18th Street, King-Irving Park Neighborhood Association, requesting to speak regarding 1308 and 1314 - 18th Street, 1704 Forest Avenue and flashing lights at 16th & Forest. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager to monitor the three properties for compliance or demolition, and set an agenda by mid-January regarding the flashing lights. Motion Carried 6-1. Absent: McPherson.**

96-4058 95. Request from Stan and Joy Kerr, 317 E. Pleasantview Drive, to speak regarding the Vision 2005/Local Option Sales and Services Tax Election, December 10. **Moved by Vlassis to receive and file and grant the request to speak. Motion Carried 6-1. Absent: McPherson.**

96-4059 96. From TCI of Central Iowa, regarding various programming changes and rate increase. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: McPherson.**

96-4060 97. Status Report regarding intersection of East University Avenue and Williams Street. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: McPherson.**

COMMUNICATIONS/REPORTS (continued)

98. From Harold Smith, City Engineer regarding the following:

96-4061 (A) Presentation by Iowa Section of American Society of Civil Engineers of 1996 Outstanding Civil Engineering Project Achievement Award for State of Iowa to City of Des Moines Engineering Department for planning and design of Flood-Improvement Projects. **Moved by Daniels to receive and file. Motion Carried 6-1. Absent: McPherson.**

96-4062 (B) Notification from Asphalt Paving Association of Iowa, that Des Moines Engineering Department has been selected to receive 1996 award for best urban paving project in State of Iowa for E. Hartford Avenue Paving Project. **Moved by Daniels to receive and file. Motion Carried 6-1. Absent: McPherson.**

* * * * *

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.

96-4063 1. Approving Class "C" Liquor License for D & T Tap, 1533 1/2 E. Walnut, (with Sunday Sales). SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-4064 2. Approving Gameroom License for Loco Joe's Nickel Arcade, 1300 SE Army Post Road. SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-4065 3. Approving deviation from Council policy, to approve Class "C" Liquor License (including Beer Garden and Sunday Sales), for GMC Inc., Larry Castagnoli, Pres, dba Signatures on Court, 100 Court Avenue, (subject to submission of acceptable Building Inspection). SPONSOR: Mayor Davis. **Moved by Hensley to defer consideration to a special electronic meeting, and upon satisfactory building inspection. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH
December 2, 1996

96-4066 MOTION TO CONVENE. **Moved by Daniels that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: McPherson and Vlassis.**

COMMUNICATION

96-4067 1. Regarding demolition cost reserve escrowed for 1227 15th Place. **Moved by Daniels to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 5-2. Absent: McPherson and Vlassis.**

AUTHORIZING

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

96-4068 (A) 1928 Jefferson, vacant, TITLEHOLDER(S)/LANDLORD(S): Helen M. House n/k/a Helen M. Wheeler and Billy J. Wheeler. **Moved by Daniels to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

96-4069 (B) 1826 Maple, vacant, TITLEHOLDER(S)/LANDLORD(S): Kenneth W. Morrison and Billie H. Jensen a/k/a Billie Barker a/k/a Marilyn Robinson; LEGAL INTEREST HOLDER: North American Savings Bank, Attn: Bruce Thielen. **Moved by Daniels to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

*****CLOSED SESSION*****

96-4070 1. Motion to adjourn as Board of Health and Reconvene as a City Council. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

96-4071 2. Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

96-4072 3. Closed Session to discuss matters of pending litigation.

96-4073 4. Terminate closed session and reconvene in open session. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: McPherson.**

5. Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to recommendations as follows:

96-4074 (A) Settlement in the amount of \$13,750 to George Vanoel and Alfredo Parrish, his attorney. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: McPherson.**

96-4075 (B) Settlement in the amount of \$6,500 to Barbara Rodgers and Susan Stockdale, her attorney. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: McPherson.**

96-4076 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:10 P.M.**