

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 16, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

International Printing Week

SPECIAL PRESENTATIONS - 4:00 P.M.

Recognition of the Greater South Side Neighborhood Association

INVOCATION: Rabbi Steven Fink

Temple B'Nai Jeshurun

96-4081 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**
Absent: Davis

96-4082 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 6-1.**

96-4083 3. APPROVING CONSENT AGENDA - items 3 through 73: **Moved by Phillips to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

96-4084 4. Communication from Legal Department regarding December 16, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-4085 5. Peter J. Leonetti, Jr. dba Noodles & Pasta Shop, 2924 Southwest 9th Street; Renewal - Expired 12-9-96 - Application submitted 11-18-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

96-4086 6. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway Food Store, 100 Euclid #31; Renewal - Expires 1-21-97 - Application submitted 10-18-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4087 7. GL & J Inc., Gary Kudrna, President dba Gary's Amoco #2, 145 University; Renewal - Expires 1-2-97 (With Sunday Sales) - Application submitted 12-2-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4088 8. Emanuel Palmer dba Lube Express and Convenience, 801 East 15th Street; Renewal - Expired 11-30-96 (With Sunday Sales) - Application submitted 10-22-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4089 9. David V. Chau dba Shang Yuen Chinese Fast Food, 5801 Hickman Road; Renewal - Expires 1-11-97 (With Sunday Sales) - Application submitted 11-22-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

96-4090 10. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 12-28-96 (With Sunday Sales) - Application submitted 11-25-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4091 11. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 12-26-96 (With Sunday Sales) - Application submitted 11-25-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4092 12. Robert Braune dba Drake Liquor Store, 2106 Forest Avenue; Renewal - Expired 12-8-96 (With Sunday Sales) - Application submitted 11-13-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS (continued):

Class "B" Liquor Licenses

96-4093 13. Fleur De Lis Motor Inns, Inc., Everett R. Scott, President dba Airport Holiday Inn, 6111 Fleur Drive; Renewal - Expires 12-27-96 (With Sunday Sales) - Application submitted 10-25-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "C" Beer/Wine Licenses

96-4094 14. John Viars dba The Des Moines Playhouse, 831 - 42nd Street; New Application for 6 Month License (With Sunday Sales) - For special production on January 11 and February 8 through March 9, 1997 (Seven Performances) - Application submitted 12-3-96. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4095 (A) First consideration of ordinance amending Chapter 5 of the Municipal Code regarding sale of alcoholic beverages by qualifying non-profit organizations. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-4096 (B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Vlassis 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, #13,402. Motion Carried 6-1.**

Class "C" Liquor Licenses

96-4097 15. Mikailo's Pub, Inc., Mikailo S. Djordjevic, President dba Mikailo's Pub, 430 East Locust, 430 East Locust; Renewal - Expires 1-9-97 (With Sunday Sales) - Application submitted 11-14-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Davis.**

96-4098 16. John H. Moehle dba Now or Later Restaurant, 3750 East University; Renewal - Expires 12-25-96 - Application submitted 11-18-96. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Davis.**

Authorizing

96-4099 17. City Clerk to issue Licenses for Coin-Operated Amusement Devices. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Refunds

96-4100 18. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

96-4102 19. Approving an increase in Professional Services Agreement with Chan Kreieger and Associates, Inc., for The Capitol Gateway East Urban Design Project, from \$100,000 to \$105,00 and authorizing the City Manager to approve any additional payments as long as it is within the total project budget of \$150,000. (Council Communication No. 96-532) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4103 20. Communication from City Engineer Harold Smith, submitting Fiscal 1997 First Quarter Report of the City of Des Moines Storm Water Utility. **Moved by Vlassis to receive and file pad Fiscal 1997 First Quarter Report. Motion Carried 6-1.**

21. Authorization to proceed on various public improvement projects included in the 1996-97 Capital Improvements Program as follows:

96-4104 (A) Storm Sewer, Sidewalk and Paving Programs - (See roll call for list) (Council Communication No. 96-522) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4105 (B) Municipal Building Improvements - (See roll call for list) (Council Communication No. 96-523) **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Davis.**

96-4106 22. Approving Agreement with Rust Environment and Infrastructure, Inc. for Project Management Services for Martin Luther King Jr. Parkway Project, not to exceed \$320,000. (Council Communication No. 96-538) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4107 23. Resolution ordering construction of E. Euclid Avenue and Delaware Avenue Intersection Reconstruction, (IDOT), Setting Date of Hearing, (1-6-97). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4108 24. Approving execution of a right of entry for survey and exploration in favor of the Army Corps of Engineers, in conjunction with the Valley Gardens\Bell Avenue Levee project. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4109 25. Authorizing the City Manager to acquire the necessary Right-of-Way and easements in conjunction with the Fleur Drive Paving. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4110 26. Communication from Van Hauen and Associates, Inc., Contractors, for the East-Side Interceptor Reconstruction - Phase I, requesting an extension of time until June 1, 1997. **Moved by Vlassis to receive, file and grant the extension of time until June 1, 1997.**

PUBLIC IMPROVEMENTS (continued)

96-4111 27. Communication from M. Peterson Construction Co. & The Underground Co., LTD. (joint venture) requesting permission to sublet certain items on Army Post Road and South Union Street Widening & Signalization public improvement project. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4112 28. Approving partial payments on eight public improvement projects. (See roll call for list and funding availability). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4113 29. Approving an agreement with MidAmerican Energy to provide electrical power to be used as a secondary power source to the SE 15th Street and Scott Avenue Storm Water Pumping Station, in an amount not to exceed \$10,439.89. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4114 30. Agreement with MidAmerican Energy to provide for re-routing of electrical power lines in Ovid Heights to accommodate E. Euclid Avenue and Delaware Avenue Intersection Reconstruction - \$9,760. **Moved by Vlassis to adopt. Motion Carried 6-1.**

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

96-4115 (A) Des Moines River North Levee Tree Removal - SE 14 Street to Extension of SE 24 Court, Wright Tree Care Company, \$3,660 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4116 (B) 1996 Pavement Replacement Program, Des Moines Asphalt & Paving Company, \$576.84 is now due and \$8,976.19 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4117 (C) Grand View and Ashby Parks Shelter Improvements, Johnson Concrete Construction Co., Inc., \$17,098.02 is now due and \$11,693.90 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4118 32. Authorizing City Engineer to proceed with paving or curb replacement program, waiver signed for one property, 3701 Cottage Grove. **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

96-4119 33. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of November, 1996, for certification to Polk County Treasurer (see roll call for various amounts). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS (continued)

96-4120 34. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for November, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-4121 35. Approving conveyance of City-Owned Municipal Housing Agency property at 3925 First Street, to Russell K. and Sandra J. Gere, as part of the Affordable Home Ownership Program. (Council Communication No. 96-526) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4122 36. Approve Quit Claim Deed, in conjunction with General Storm Sewer Work, from Polk County, north of Sheridan Avenue on E. 37th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4123 37. Two Temporary Easements for Construction and Release of Easement, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop Bypass (CBD Loop), from Grand Avenue Associates, L.P., and State of Iowa, Department of General Services, 2015 Grand Avenue, - \$818, and Alan and Janice Zuckert, 2111 Grand Avenue. - \$1.00. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4124 38. Approving Noise and Avigation Easements for eight properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4125 39. Approving waiving provisions of Subchapter 3 and 4 and Chapter 24 of the Municipal Code and certifying plat RIVERPOINT PLAT No. 3 to County Auditor and Recorder (SE 30th and Vandalia). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4126 40. Approving final subdivision plat for SOMERSET II located in

WITHDRAWN vicinity of S.W. 3rd and S.W. 5th and Army Post Road.

96-4127 41. Approving final subdivision plat for EASTER LAKE PARK, PLAT 4 located in vicinity of S.E. 25th and Marion. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-4128 42. Recognition of the Greater South Side Neighborhood Association, boundaries are Army Post Road on the south, SW 9th Street on the east, the Raccoon River on the north, and Fleur Drive on the west. (Council Communication No. 96-537). **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)

96-4129 43. Approving Des Moines representatives and alternates to the Metropolitan Planning Organization (MPO) and Transportation Technical Committee (TTC) for calendar year 1997. **Moved by Vlassis to adopt. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

96-4130 44. Recommending a process and schedule for consideration of rezoning to a single family district of all areas within the City currently zoned to the "R-2" (One and Two Family Residential District classification). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-4131 (A) Resolution extending the moratorium, to May 5, 1997, on construction of two-family dwellings in the "R-2" District. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4132 45. Regarding request from Susan Wilson for Ruan Transportation Management Systems for vacation and conveyance of a portion of Delaware Avenue right-of-way in the vicinity of E. Euclid. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

96-4133 46. On vacation and lease (base term of five years) of a portion of Hartford Avenue right-of-way East of SE 30th and north of E. Watrous, to LaVera N. Belken, (1-6-97). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4134 47. On application from Grant Bell, to rezone property at 601-607 Hickman Road, from "C-0" (Commercial-Residential) to a "C-1" (Neighborhood Retail Commercial) and to find application in conformance with Des Moines 2000 Land Use Plan as an incremental expansion of a commercial node. (1-7-97). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4135 48. On application from Tom Miller, to rezone property at 4506 SW Ninth Street, from "C-1" (Neighborhood Retail Commercial), to a "C-1A" (Neighborhood Commercial Reuse District), subject to certain conditions, (1-7-97). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4136 49. On vacation of the North/South alley right-of-way in the block bounded by E. Shawnee, E. Aurora, Bowdoin and Amherst, and conveyance of a portion to Katherine L. Balducchi, \$50 plus costs, (1-7-97), (previous action October 28, 1996 contained an error in the legal description). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-4137 50. Approving payment in amount of \$3,890.54 to Moss & Barnett for legal assistance regarding leasing of City property for use as PCS (Personal Communication Service) antenna sites and regulation of such sites. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4138 51. Approving payment in the amount of \$1,227.06 to Ensz and Jester, P.C. for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et.al. in U.S. District Court for the Western District of Missouri. **Moved by Vlassis to approve payment. Motion Carried 6-1.**

96-4139 52. Approving payment of \$14,128.80 to Jay Allen Street and his Attorney, Bernard Spaeth for workers compensation claim, subject to approval by the Industrial Commissioner for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4140 53. Approving payment of \$1,152.96 to David Cromer for workers' compensation claim, subject to approval by the Iowa Industrial Commissioner for injury suffered during the course of his employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4141 54. Approving payment in amount of \$95 per hour plus reasonable expenses to retain Becky Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. to represent Officer Camden Moran, Police Officer in Polk County Case No. CL 70858. **Moved by Vlassis to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

96-4142 55. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-525) **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

96-4143 56. Submitting out-of-state travel request for David Batts. (Council Communication No. 96-524). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

96-4144 57. Contract with the Iowa Division of Community Action Agencies (DCAA), with an allocation of \$316,773 for use in the provision of community services from October 1, 1996 to September 30, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-4145 58. Enterprise Community Homeownership Initiative Project contract between City of Des Moines, Citizens for Community Improvement (CCI), and Community Housing Development Corporation (CHDC), for \$10,000 in Social Service Block Grant (SSBG) funding for the period of December 1, 1996 to November 30, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4146 59. Amendment One to contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy assistance to low-income persons from October 1, 1996 through September 30, 1997, which adds \$937,416 to the contract budget for a total of \$977,200. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4147 60. Closeout of completed State Division of Community Action Agencies Contract and submission of closeout documents for LIHEAP-2296-075. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4148 61. Application for Historic Preservation Fund Certified Local Government Program for designation of the Highland Park Commercial District (located at 6th and Euclid Avenues) as a historic district on the National Register of Historic Places. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4149 62. City Manager's Monthly Financial Report for October, 1996 (on file in City Clerk's Office). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-4150 63. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4151 64. Report of Civil Service Commission submitting Word Processor Operator (Entrance) and Senior Police Officer (Promotional) lists. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

APPROVING (continued)

65. Bids for the following:

96-4152 (A) Air-Con Mechanical Corporation, (1415 SE Pleasantview Drive, James Shaffer, President) for four (4) forced air furnaces and installation at Fire Station No. 9 to be used by the Engineering Department, \$19,390. (Nine bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4153 (B) Approving bid from Des Moines Steel Fence Company, 5158 NW Beaver Drive, (Doug Ayers, Pres), for fencing and installation at Grandview Golf Course, \$11,525 (four bids mailed-two received)--low bidder was unable meet the delivery specification. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4154 (C) Charles Gabus Ford, (4545 Merle Hay Road, Charles Gabus, President) for three (3) unmarked police vehicles, and Karl Chevrolet-Geo, Inc., (Carl Moyer, President) for two (2) passenger vans to be used by the Police Department, (unmarked vehicles - \$40,218.39 and passenger vans - \$38,212.82). (Eleven bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4155 (D) Hawkeye Truck Equipment Co., (5800 N.W. 2nd Avenue, Wayne Steinkamp, President) for two (2) new or used underbody scrapers to be used by the Public Works Department (Street Maintenance), \$21,590.80. (Thirteen bids mailed-one received). (Council Communication No. 96-540) **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Davis.**

96-4156 66. Authorizing Finance Director to draw warrants on registers of December 20, 1996, December 27, 1996 and January 3, 1997; bills of the Des Moines Municipal Housing Agency for weeks beginning December 16, 1996, December 23, 1996, and December 30, 1996, and the biweekly payroll due employees on December 20, 1996 and January 3, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-4157 67. Amending Chapter 9 of the Municipal Code regarding transient merchants. **Moved by Vlassis that this ordinance do now pass, #13,403. Motion Carried 6-1.**

96-4158 68. 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 do now pass, #13,404. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION (continued)

96-4159 69. Amending Chapter 16 of the Municipal Code, to add multi-family residences to the City Recycling Program. **Moved by Vlassis that this ordinance do now pass, #13,405. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-4160 70. 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 Vlassis to that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-4161 71. On rezoning of 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 Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-4162 72. Amending Chapter 8 of the Municipal Code regarding adoption of the updated Electrical Code and changes in electrical licensing process. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-4163 73. Amending Chapter 15 of the Municipal Code regarding rental fees for space at the Botanical Center. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

****Council considered Item 98 next on the agenda****

ORDINANCES - FIRST CONSIDERATION

96-4164 74. Amending Chapter 15 of the Municipal Code regarding 1997 Golf Course Fees. (Council Communication No. 96-541) **Moved by Daniels that this ordinance be considered and given first vote for passage. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Davis.**

****Council considered Hearing Items 77 through 83 next****

ORDINANCES - FIRST CONSIDERATION (continued)

96-4165 75. Repealing Sections 19-1 through 19.11.02 of the Municipal Code regarding Licensing of Ambulance Services in Des Moines; (licensing to be provided by the State). (Council Communication No. 96-527). **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Davis and Vlassis.**

96-4166 76. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Requests for corner clearance on the south side of Brattleboro at locations between 28th and 31st; east side of E. Ninth north and south of Des Moines Street, and on the west side of Sixth Avenue south of Laurel. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Davis and Vlassis.**

****Council considered Item 84 through end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 77 thru 83)

96-4167 77. Closing hearing on proposed amendment to the Zoning Ordinance creating the "NPC" (Neighborhood Pedestrian Commercial District) and remanding same to City Plan Commission for further review. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4168 (A) Various communications regarding the proposed zoning amendment. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-4169 78. 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). **Moved by Phillips to adopt. Motion Carried 6-1.**

96-4170 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-4171 (B) Final consideration of ordinance above, (waiver requested by applicants), requires 6 votes. **Moved by Phillips that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,406. Motion Carried 6-1.**

HEARINGS (continued)

96-4172 79. On Guthrie Avenue Industrial Park Demolition Phase 3; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as LA Company, (Linda L. Wicker, 1241 Adams Street, DM), \$192,439. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4173 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4174 80. On Asbestos Removal-Guthrie Avenue Industrial Park Phase 3; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Mid-Iowa Environmental Corporation, (Lucille Leopold, President, 3009 SW Ninth Street DM), \$4,875. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4175 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4176 81. On Fleur Drive Bridge over the Raccoon River and Railroad Bridge Deck Overlay (IDOT Project); Submission of bids and designating lowest responsible bidder as Cramer and Associates, Inc., (Delmar Cramer, Pres, 990 NE 44th Avenue, DM), \$628,282.05. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-4177 82. On E. 14th Street and E. Aurora Avenue Intersection Improvements, (IDOT Project); Submission of bids, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (John A. Gillotti, Vice Pres, WDM) and Des Moines Asphalt & Paving Company, (Robert G. Horner, Pres, 903 SE 22nd Street, DM), \$1,158,544. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis and Phillips.**

96-4178 83. On Saylorville Recreational Trail Lighting near the Botanical Center, (IDOT Project); Submission of bids and designating lowest responsible bidder as Bailey Construction Co., (Charlie Bailey, Pres, Davenport), \$40,223.55. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Davis and Phillips.**

* * END HEARINGS at 5:40 P.M. * *

CITY MANAGER RECOMMENDATIONS

96-4179 84. Regarding advances which qualify for payment from property tax revenue, for Airport Business Park, Airport Commerce Park South and Airport Commerce Park West TIF Districts. (Council Communication No. 96-539). **Moved by Flagg to direct the City Manager to notify the County Auditor of the amount of City cash advances which qualify for payment from the division of property tax revenue for the Airport Commerce Park South, Airport Commerce Park West and Airport Business Park. Motion Carried 5-2. Absent: Davis and Vlassis.**

APPROVING

96-4180 85. Revisions to the Municipal Code for Airport Concession

WITHDRAWN Solicitation and to comply with Federal Procurement Requirements.

96-4181 (A) Agreed upon Procedures Report - Phase II, for year ended June 30, 1995 - McGladrey and Pullen, LLP., for Des Moines International Airport. **Moved by Phillips to adopt. Motion Carried 4-1-2. Pass: Flagg. Absent: Davis and Vlassis.**

96-4182 86. Documents regarding the E-85 (Ethanol) Refueling Infrastructure Project under Energy Technology Grant Program.(Council Communication No. 96-531) **Moved by McPherson to adopt. Motion Carried 4-1-2. Pass: Flagg Absent: Davis and Vlassis.**

96-4183 87. Submittal of grant application to IDOT, for the Beaverdale Trail Project, \$200,000. (Council Communication No. 96-543). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis and Vlassis.**

96-4184 88. Acceptance of grant from Blue Cross/Blue Shield Foundation, for the Greater Des Moines Soccer and Softball Complex, \$50,000. (Council Communication No. 96-542) **Moved by McPherson to adopt, and accept the grant with appreciation. Motion Carried 6-1.**

96-4185 89. Application for Iowa Arts Council Organization Grant, \$10,000, to fund the 1997 Firstar Nitefall on the River Concert Series. (Council Communication No. 96-528) **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4186 90. Submitting 1995-96 Equal Opportunity Report and Affirmative Action Annual Work Plan. (Council Communication No. 96-530). **Moved by McPherson to receive, file and approve. Motion Carried 6-1.**

96-4187 91. Contract with Department of Correctional Services, to fund \$8,000 in overtime expenses for enforcement of domestic abuse warrants. (Council Communication No. 96-529) **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4188 92. Skywalk Agreement, including Limited Skywalk Easements, with Employers Mutual Casualty Company. (Council Communication No. 96-533). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4189 93. Skywalk Agreement, including Limited Skywalk Easements, with Polk County, (Convention Center). (Council Communication No. 96-534). **Moved by McPherson to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-4190 94. Amended Skywalk Security and Surveillance Intergovernmental 28E Agreement between the City of Des Moines, Polk County and the Des Moines Skywalk Association, and approving amended bylaws for the Skywalk Association. (Council Communication No. 96-535). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4191 95. Skywalk Agreement, including Limited Skywalk Easements, with Principal Mutual Life Insurance Company. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4192 (A) Amendment Two to Skywalk Agreement between the City, Petula Associates, Ltd., and The Young Women's Christian Association (YWCA) of Greater Des Moines. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Davis. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-4193 (B) Amendment to Lease Agreement between the City and Principal Mutual Life Insurance Company. (Council Communication No. 96-536). **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4194 96. Modified job specifications for Traffic Analyst job classification. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-4195 97. New classification - Housing Services-Program Coordinator, Range 12 - American Federation of State, County and Municipal Employees. **Moved by McPherson to adopt. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

96-4196 98. From Des Moines Water Works, submitting proposed 1997 budget. **Moved by Daniels to receive and file. Motion Carried 6-1.**

96-4197 99. From William Lillis, attorney for Bankers Trust, 3905 Merle Hay Road, requesting the City recommend to Iowa Department of Transportation (IDOT), traffic signalization which would allow and permit easy access both to Bankers Trust and Merle Hay Mart property on the east side of Merle Hay Road, and to Merle Hay Mall on the west. **Moved by Vlassis to receive, file and recommend to IDOT to install a traffic signal light at this location; also, City staff report is to be conveyed to IDOT. Motion Carried 5-1-1. Nays: Daniels. Absent: Davis.**

COMMUNICATIONS/REPORTS (continued)

96-4198 100. Request to speak from Youth Working for Positive Change (Darrell Morris) on property at 1751 E. University known as F & J Arcade. **Moved by Phillips to by receive, file and grant request to speak. Staff is urged to expedite actions to alleviate this nuisance, keeping CCI/YWPC apprised of progress. Motion Carried 6-1.**

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EXTRA ITEMS

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

96-4199 1. Authorizing Letter of Invitation from the City, to host Register's Annual Great Bike Ride Across Iowa, (RAGBRAI) on July 23, 1997. (Council Communication No. 96-544) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4200 2. Approving recommendation to delegate responsibility for performance evaluation and salary review of City Solicitors, to Corporation Counsel. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Davis.**

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

96-4201 3. Recommendations from City Manager regarding alternate methods for disposal of property at 2426 Prospect Road. (Council Communication No. 96-547). SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Davis and Daniels.**

96-4202 4. Approving Class "C" Liquor License for United Mexican American Community Center, 828 SE Scott, (with Sunday Sales). SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4203 5. Approving Class "E" Beer License for Danlee Corporation, dba The Smoke Shop, 1918 SE 14th. SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-4204 6. Approving assignment of contractor for occupational health services, to Concentra Medical Center, December 23, 1996 thru March 31, 1997. Council Communication No. 96-548. SPONSOR: Hensley. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis**

and Daniels.

A G E N D A

BOARD OF HEALTH

December 16, 1996

96-4205 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Davis and Daniels.**

COMMUNICATION

1. Communication regarding demolition cost reserve for the following:

96-4206 (A) 3317 Douglas Avenue.

WITHDRAWN

96-4207 (B) 3007 E. Walnut Street.

WITHDRAWN

AUTHORIZING

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

96-4208 (A) 3116 E. 36th Court, vacant, TITLEHOLDER(S)/ LANDLORD(S): James F. and Martha A. Schaer. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis and Daniels.**

96-4209 (B) 12 E. Edison, vacant, TITLEHOLDERS(S)/LANDLORD(S): Valley National Bank n/k/a FirStar Bank, Des Moines, N.A., Trustee of the Michael J. Anania Family Trust, Attn: Debra Minkler; CONTRACT BUYER: Donna Jo Anania. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis and Daniels.**

96-4210 (C) 1506 18th St., vacant, TITLEHOLDERS(S)/LANDLORD(S): Western United Life Assurance Company, Attn: C.T. Corporation System, Registered Agent, Rolland Grefe or Robert C. Thomson; CONTRACT BUYER: Maurice Cheatem; LEGAL INTEREST HOLDERS(S): Albert F. Oppel and Sally S. Oppel. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Davis and Daniels.**

96-4211 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:33 P.M.**

