

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 5, 1996, 4:30 P.M.

3:45 I. Airport Noise Compatibility Program Phase II- Presentation by City Engineer and Consultants.

4:15 II. Des Moines Conference Board.

4:30 SPECIAL PRESENTATION Recognition of Waterbury Neighborhood Association.

**** HEARINGS START AT 5:30 P.M. ****

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INVOCATION: Rev. Duane Gibson

First Baptist Church

CONSENT AGENDA ITEMS 1 through 36 -- See Page 4.

96-377 ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-378 APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

96-379 III. Informal Hearing - Public Comment - Operating Budget. **Moved by Vlassis to receive, file and refer to City Manager. Motion Carried 7-0.**

A G E N D A

PERMITS AND LICENSES

February 5, 1996

APPROVING

96-380 1. Communication from Legal Department regarding February 5, 1996 Permit and License Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

CLASS "B" BEER LICENSES

96-381 2. S.A.O.C.C., Inc., Calvin Campbell, President dba The Depot, Iowa State Fairgrounds Cattle Barn; New Application (With Sunday Sales) for 14-Day License - Application submitted 1-18-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-382 3. Eugene Hiskey, Owner dba Rainbow Cleaning Machine, 4347 Merle Hay Road; Renewal - Expires 2-15-96 (With Sunday Sales) - Application submitted 1-12-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

CLASS "C" BEER LICENSES

96-383 4. Hy Vee Stores, Inc., Ronald Pearson, President dba Drugtown #2, 3430 M.L. King, Jr. Pkwy; Renewal - Expires 2-17-96 (With Sunday Sales) - Application submitted 1-11-96. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

96-384 5. G.L. and J. Inc., Gary Kudrna, President dba Gary's Amoco #42, 4131 University; Renewal - Expires 2-14-96 (With Sunday Sales) - Application submitted 1-10-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-385 6. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #10, 816 E. Euclid; Renewal - Expires 3-30-96 (With Sunday Sales) - Application submitted 1-15-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-386 7. Krause Gentle Corp., W.A. Krause, President dba Kum & Go #440, 821 E. Euclid; Renewal - Expires 2-26-96 (With Sunday Sales) - Application submitted 1-9-96. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-387 8. Kwik Shop, Inc., Stephen C. Smith, President dba Kwik Shop #549, 3274 E. University; Renewal - Expires 2-28-96 (With Sunday Sales) - Application submitted 12-29-95. **Moved by Hensley to adopt. Motion Carried 7-0.**

CLASS "E" BEER LICENSES

96-388 9. Walgreen Co., L. D. Jorndt, President dba Walgreens, 2545 E. Euclid; Renewal - Expires 3-9-96 (With Sunday Sales) - Application submitted 1-2-96. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

CLASS "B" WINE LICENSES

96-389 10. Metropolitan Club Management Corp., James M. Hinckley, President dba Metropolitan Club, 400 Locust Street, Suite 100 & 100A-Atrium; Renewal - Expires 2-21-96 (With Sunday Sales) - Application submitted 1-17-96. **Moved by Daniels to adopt. Motion Carried 5-0. Council Member Hensley and Mayor Davis declare a conflict of interest, and abstain from voting.**

CLASS "C" BEER-WINE LICENSES

96-390 11. Patrick O. Renda, Owner dba Orlando's, 3835 University; Renewal - Expires 2-16-96 (With Sunday Sales) - Application submitted 1-15-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

CLASS "C" LIQUOR LICENSES

96-391 12. Cooney Beverage Co., Inc., Brian J. Cooney, President dba Cooney's, 3719 Beaver Avenue; Renewal - Expires 2-12-96 (With Sunday Sales) - Application submitted 1-11-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

CLASS "E" LIQUOR LICENSES

96-392 13. Walgreen Co., L. D. Jorndt, President dba Walgreens, 3315 SE 14th Street; Renewal - Expires 2-28-96 - Application submitted 12-27-95. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

AUTHORIZING

96-393 14. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

GAMEROOMS

96-394 15. Namco Cybertainment Inc., Kevin Hayes, President dba Aladdin's Castle, 1111 E. Army Post Rd; Renewal - Expired 12-31-95 - Application submitted 11-15-95. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-395 16. Discovery Zone, L.P., Donna Moore, President dba Discovery Zone, 4365 Merle Hay Rd.; Renewal - Expired 12-31-95 - Application submitted 11-28-95. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-396 17. National Mall and Service Inc., Elmer Schmitt, President dba Nickelodeon, 1503 E. Douglas; Renewal - Expired 12-31-95 - Application submitted 1-2-96. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-397 EX1 Approving Cigarette License for Dave's Pizza House, 2222 Forest Avenue. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

* * * * * CONSENT AGENDA * * * * *

(Items 1 through 36)

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

96-398 Approving Consent Agenda. **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

1. Authorizing distribution of Chapter 573 Code of Iowa Claim by J & O Trucking, against the following:

96-399 (a) Iowa Paving Contractors, (Principal Contractor), and Economy Trucking, (Sub-Contractor), for the Watrous Avenue Relocation Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-400 (b) Iowa Paving Contractors, (Principal Contractor), and Economy Trucking, (Sub-Contractor), for the 1995 Pavement Replacement Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-401 (c) Flynn Company, (Principal Contractor), and Economy Trucking, (Sub-Contractor), for the Airport Terminal Apron Replacement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

2. Resolution Ordering Construction of the following:

96-402 (a) Northwest Airport Trunk Sanitary Sewer - SW 46th Street and SW 56th Street south of Park Avenue, Receiving of Bids, (2-20-96), and setting Date of Hearing, (2-26-96). (Construction Estimate - \$637,350) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-403 (b) Birdland Park Tennis Courts - Receiving of Bids, (2-20-96), and setting Date of Hearing, (2-26-96). (Construction Estimate - \$537,000) **Moved by McPherson to adopt. Motion Carried 7-0.**

(c) NOT USED

96-404 (d) Southern Hills Ditch Improvements - North of Park Avenue and West of SW 30th Street, Receiving of Bids, (2-20-96), and setting Date of Hearing, (2-26-96). (Construction Estimate - \$22,765) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-405 (e) SW 18th Street and McKinley Avenue Storm Sewer - Receiving of Bids, (2-20-96), and setting Date of Hearing, (2-26-96). (Construction Estimate -\$19,575) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-406 (f) ICA W3 and Process Modifications - Receiving of Bids, (2-27-96), and setting Date of Hearing, (3-4-96). (Construction Estimate - \$382,485) **Moved by McPherson to adopt. Motion Carried 7-0.**

****Council considered Extra Item 1 next****

3. Resolution of Chief Civil Engineer showing cost of construction of the following projects:

96-407 (a) 42nd Street Sanitary Sewer Repair-1500 Block, Insituform Central, Inc., \$1,428.80 is now due and remaining balance of \$792.70 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-408 (b) Storm Water Pump Station Power Supply Upgrades, Biermann Electric Co., Inc., \$14,225.30 is now due and remaining balance of \$12,625.70 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-409 (c) Evelyn Davis Park Fountain Reconstruction, Accurate Mechanical Company, Inc., \$1,654.85 is now due and remaining balance of \$2,299.90 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-410 4. Approving Supplemental Agreement with RDG Crose Gardner Shukert, Inc., for additional services in conjunction with the Birdland Park and Lagoon Rehabilitation, not to exceed \$3,592. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-411 5. Approving Change Order No. 1 with McAninch Corporation for an extension of time to revise contract completion date from May 15, 1995 to December 15, 1995 for the Four Mile East Trunk Sewer with no additional compensation. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-412 6. Approving partial payments on five public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-413 7. Resolution levying assessments for cost of nuisance abatement-NAC Demolition (Emergency Orders), Schedule No. 1996-35 and providing for payment thereof. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-414 8. Authorizing Assessment Clerk to Correct Delinquent Sewer Rental in amount of \$14.62, Schedule No. 1994-32, that should be charged to 901 Payton. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-415 9. Authorizing Assessment Clerk to correct NAC-Emergency Order Assessment Schedule 1995-46 in amount of \$766, for 1436 E 16th (charges sent twice). **Moved by McPherson to adopt. Motion Carried 7-0.**

COMMUNICATIONS

96-416 10. From City Clerk, submitting report on City Council meeting/meal expenses for January, 1996. **Moved by McPherson to receive and file. Motion Carried 7-0.**

COMMUNICATION FROM PLAN AND ZONING

96-417 11. Regarding request from Allen D. May of the Community Development Department for vacation and conveyance of a portion of E. Market Street right-of-way between SE 28th Street and SE 29th Street. **Moved by Phillips to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

WITHDRAWN 12. Regarding request from Jim Skogsbergh of Central Iowa Health Properties Corp. for vacation and conveyance of a portion of Chestnut Street right-of-way in the vicinity of 1019 Chestnut Street.

SETTING DATE OF HEARINGS

96-418 13. On proposed Connection Fee Ordinance for Northwest Airport Trunk Sewer System Benefited District, (2-26-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-419 14. On application from Patrick G. Fagen, to rezone property at 3025 Douglas Avenue from "C-1" (Neighborhood Commercial) to a Ltd. C-2" (General Retail and Highway Oriented Commercial), (2-19-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-420 15. On application from Dr. James R. Ryan of Ecumenical Ministries of Iowa to rezone property at 3816 36th Street from an "R-2" One and Two Family Residential District to a Limited "C-O" Commercial Residential District and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-19-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

****Council considered item 62 next****

96-421 16. On application from Don Moyer, to rezone property in vicinity of 1453 E. 14th and 1520 Idaho Street, from Ltd. "C-2" (General Retail and Highway Oriented Commercial) and "R-2A" (General Residential), to a Ltd., "C-2", and to find this in conformance with the Des Moines 2000 Land Use Plan, (2-19-96), (Plan and Zoning Commission recommends denial). **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-422 17. Approving payment of \$48,637.59 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. representing the City in Polk County District Court for lawsuits of Ruan Securities, et.al. v. TRS Industries, Inc. and Arthur M. Vogel v. TRS Industries, Inc. **Moved by McPherson to adopt. Motion Carried 5-1. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

APPROVING

96-423 18. Second Amendment to the contract for Sale of Land for Private Redevelopment, Riverpoint Capitol-Center Development Area Urban Renewal Project, with Meredith Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-424 (a) Lease amendment with Betts Cadillac Inc., to allow them to remain on the property bounded by Grand, 16th, Locust and 17th, following acquisition of property by the City, and extends term to March 31, 1996. **Moved by Hensley to defer action. Refer to Council Sub-committee comprised of Vlassis and Hensley, for a report back on 2-19-96. Motion Carried 7-0.**

96-425 (b) Lease amendment with Bexus, Inc., to allow them to remain on property bounded by Grand, Locust and 17th, following acquisition by the City, and extends term to May 20, 1996. **Moved by Hensley to defer action. Refer to Council Sub-Committee comprised of Vlassis and Hensley, for report back on 2-19-96. Motion Carried 7-0.**

96-426 19. Ratification of Assistance Award/Amendment to the Cooperative Agreement between HUD and the Des Moines Human Rights Commission, \$21,200 increased funding: for investigating Housing complaints, training, and to purchase a computer. **Moved by McPherson to adopt. Motion Carried 7-0.**

20. 1996 Community Development Block Grant (CDBG) Contracts, January 1 to December 31, 1996, with the following:

96-427 (a) Community Development Department--Capitol Park Traffic Safety Study, \$35,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-428 (b) Heart of the Hawkeye Council of Camp Fire Boys and Girls--Community Center Camp Fire Day Camps, \$37,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-429 (c) Children and Families of Iowa--Daycare Services at Child Development Center, Woodland Daycare Center, Naomi Wright Daycare Center, \$30,983. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-430 (d) Community Services Department--Emergency Food and Personal Pantry, \$30,714. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-431 (e) Community Development Department--Intensified Inspections and Rodent Control, \$230,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-432 (f) Youth and Shelter Services Inc.--Iowa Homeless Youth Center, \$20,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-433 20. (g) Big Brothers/Big Sisters of Greater Des Moines Inc.--Life Choices, \$10,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-434 (h) Generations Inc.--Meals on Wheels, \$17,483. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-435 (i) Community Development Department--Neighborhood Revitalization Concentrated Code Enforcement, \$67,403. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-436 (j) Our Community Kitchen--Our Community Kitchen, \$53,250. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-437 (k) Parks and Recreation Department--Recreational Activities Program, \$122,385. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-438 (l) Community Services Department, REV-CAT, \$48,113. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-439 21. Official recognition for the Waterbury Neighborhood Association; Special Presentation at 4:30. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-440 22. Authorization for replacement of lost Des Moines Parking Revenue Bond Coupon, (\$106.25), to allow redemption by owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-441 23. Amendments One and Two to the CEBA Loan Agreement between the State of Iowa, City of Des Moines, and Silvercrest Recycling, Inc., to reduce interest rate and convert to monthly payments. **Moved by McPherson to approve. Motion Carried 7-0.**

96-442 24. Communication from the Youth Advisory Coordinating Board advising of additional changes in board membership pursuant to change in Municipal Code provisions. **Moved by McPherson to receive and file. Motion Carried 7-0.**

96-443 I. Communication from Christopher Grandstaff, submitting resignation from the Plan and Zoning Commission, effective February 1, 1996. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 7-0.**

96-444 25. Recommendation of At Large Council Member Preston Daniels for appointment of Melvin Dale Shivvers to the Building Code Board of Appeals for a three-year term to expire April 5, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-445 26. City Manager's Monthly Financial Report for December, 1995. **Moved by McPherson to receive and file. Motion Carried 7-0.**

APPROVING (continued)

96-446 27. Accepting conveyance of easement for Sanitary Sewer right-of-way and releasing restrictive covenant, The Summit at Southern Hills, SW 38th Place and Park Avenue. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-447 28. Temporary Easement for Construction, Easement for Sanitary Sewer Right-of-Way, Offer to Purchase and Warranty Deed, in connection with Southwest Airport Trunk Sanitary Sewer, from General Manufacturing Co., 5041 Army Post Road and 5725 SW 56th Street - \$9,411. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-448 29. Backslope and Property Adjustment Easement and Release, Easement for Storm Sewer Right-of-Way, Warranty Deed and Offer to Purchase in connection with Martin Luther King, Jr. Parkway Widening at Urbandale Avenue from Drake University, for property in the vicinity of the intersection of Martin Luther King, Jr. Parkway and Urbandale Avenue - \$13,748.80. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-449 30. Backslope and Property Adjustment Easement and Release in connection with Iowa 28 (63rd Street)/University Avenue Intersection Improvement from, Loren T. and Margaret L. Olson, 1220 63rd Street - \$100, James E. and Suzanne B. McIntyre, 1228 63rd Street - \$50, Sarah M. Witte, 1234 63rd St - \$680, and Lloyd F. and Marilyn Peterson, 1201 64th Street - \$2,100. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-450 31. Permanent Easement for Storm Sewer and Surface Water Flowage and Consent and Waiver as to Easement for Storm Sewer and Surface Water Flowage By Mortgagee in connection with 1995 Paving Program No. 1-SW 8th Street from Porter Avenue to Kenyon Avenue, from William Joseph Harvey, 5506 SW 7th Street - \$600. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-451 32. Purchase of 739 Martin Luther King, Jr. for \$93,000 in connection with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-452 33. Receipt of Certificates of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING (continued)

34. Bids for the following:

96-453 (a) Peerless Supply, Inc., (1701 Guthrie Avenue), Bruce Iler,

WITHDRAWN President), for a prefabricated mezzanine for Emergency Operating Center to be used by Veterans Auditorium, \$14,600. (Six bids mailed-five received).

96-454 (b) Charles Gabus Ford, (4545 Merle Hay Road), Charles Gabus, President), for a Medium Duty Single-Axle Stake Side Hoist Truck with Tailgate to be used by the Public Works Department (Solid Waste), \$40,422.95. (Seven bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-455 (c) Retrofit kits to upgrade two transformers to be used by the Engineering Department (Wastewater Reclamation Facility) from Westinghouse Corporation (1820 East Sheridan), \$17,990. (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-456 35. Authorizing Finance Director to draw warrants on registers of February 9, 1996 and February 16, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning February 5, 1996 and February 12, 1996, and the biweekly payroll due employees on February 16, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-457 36. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Handicapped Parking Zone at Lincoln High School; Snow Route Designations on Center Street from Second to Keo, on Park from Keo to Second, on Madison from 6th to 12th, and on 12th from Euclid to North City Limits; Parking restriction on the west side of 12th Street from 50' south of Euclid to Clinton; and revised bus loading/unloading zones on 37th Street and 38th Place-Greenwood Elementary School. **Moved by McPherson that this ordinance do now pass, #13,301. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-458 37. Amending Chapter 15 of the Municipal Code regarding cemetery fees, (continued from 1-15-96) (Council Communication No. 96-049). **Moved by Flagg that this ordinance be considered and given first vote for passage. Request Park Board to consider the possible use of the Cemetery Perpetual Care trust Fund dollars, from next year's budget, to start fencing projects at Woodland Cemetery. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION (continued)

96-459 38. Amending Chapter 15 of the Municipal Code establishing moorage

WITHDRAWN rates for Birdland Park Marina, (previously established by Park Board Resolution). (Council Communication No. 96-047).

96-460 39. Amending Chapter 18 of the Municipal Code regarding appointment of members of the Special Assessment Valuation Committee. (Council Communication No. 96-054). **Moved by Hensley to defer action. Council requests additional information regarding this proposal. Motion Carried 7-0.**

RECOMMENDATIONS FROM CITY MANAGER

96-461 40. Regarding Citizens Services Task Force meeting stipend, (Policy #7). (Council Communication No. 96-056) **Moved by Vlassis to reconsider Council's action of April 17, 1995; Roll Call No. 95-1473. MOTION FAILED. Nays: Davis, Flagg and Vlassis. Nays: Phillips, Daniels, Hensley and McPherson.**

96-462 41. Regarding the contract and amendment procedures for CDBG-funded projects operated by City Departments. (Council Communication No. 96-055). **Moved by Hensley to defer action and refer back to City Manager to study this proposal, based on recent reorganization plans, for a further recommendation from Council. Motion Carried 7-0.**

96-463 42. Regarding removal of barricades from Enos Avenue right-of-way between 12th and 13th Streets, and that it be reopened to vehicular traffic. (Council Communication No. 96-060) **Moved by Hensley to adopt. Staff to recommend a method to improve street condition. Motion Carried 6-1. Absent: McPherson.**

96-464 43. Regarding City of Des Moines Legislative Update for Seventy-Sixth General Assembly. **Moved by Hensley to receive and file the attached report. Motion Carried 6-1. Absent: McPherson.**

96-465 44. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 96-046) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1. Absent: McPherson.**

96-466 45. Submitting out of state travel request for Mark Schultz. (Council Communication No. 96-050). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

****Council considered Items 55 through end of agenda next****

HEARINGS (Opened at 5:50 P.M.) (Items 46 thru 54)

96-467 46. Communication from City Plan and Zoning Commission, finding the proposed Urban Renewal Plan for Hiatt Square Urban Renewal Area (vicinity of E. University, Fremont, York and E. 14th), in conformance with the Des Moines 2000 Comprehensive Plan. **Moved by McPherson to receive and file. Motion Carried 7-0.**

96-468 (a) Resolution of Necessity and finding the Hiatt Square Urban Renewal Area to be a blighted area and rehabilitation is necessary in the interest of public health, safety and welfare. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-469 (b) Closing the hearing on Urban Renewal Plan for Hiatt Square Urban Renewal Project, (continued from 1-22-96). (Council Communication No. 96-048) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-470 (c) First consideration of ordinance designating the area as a tax increment financing district. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-471 (d) Final consideration of ordinance above, (waiver requested by Office of Economic Development). **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, #13,302. Motion Carried 7-0.**

96-472 47. On vacation of public right-of-way, in vicinity of SW 1st and Elm Streets. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: McPherson.**

96-473 (a) First consideration of ordinance above, (pre-published requires two readings). **Moved by Phillips to that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

96-474 48. On Des Moines Skywalk Bridge 1C-2C, (Court Avenue Parking Garage to Polk County Administration Bldg.): Resolution approving plans, specifications, form of contract documents, Engineer's estimate and receipt of bids. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Vlassis. Absent: McPherson.**

96-475 49. On Des Moines Skywalk Bridges 2C-2D, 2C-3C, (Court Avenue Parking Garage, Federal Building, to Civic Center): Resolution approving plans, specifications, form of contract documents, Engineer's estimate and receipt of bids. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Vlassis. Absent: McPherson.**

HEARINGS (continued)

96-476 50. On Police/Fire Dispatch Remodeling Phase II: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and receipt of bids. (Council Communication No. 96-053) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-477 51. On Chautauqua Parkway Ditch Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as McAninch Corporation, (Emery L. Sanford, Vice Pres, WDM), \$209,241.25. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-478 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-479 52. On Ashby Park Storm Sewer Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, Pres. 1805 Euclid), DM, \$21,631. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-480 53. On application for "Certificate of Public Convenience and Necessity to Operate Limousine Service", David M. and Jean E. Houston, Unique Courtesy Services, Norwalk; (Alternate Resolutions for consideration). (Council Communication No. 96-058). **Moved by Hensley to adopt alternative one, and approve application for Certificate of Public Convenience and Necessity to Operate a Limousine Service. Motion Carried 5-1-1. Nays: McPherson, Absent: Vlassis.**

96-481 54. Acceptance of proposal from Mark A. Kline, on behalf of Water Tower Development Corporation, for purchase and redevelopment of the Younkers/Tone Property (Disposition Parcel 6, Riverpoint Capitol-Center Development Area Urban Renewal Project), and authorizing execution of redevelopment agreement. (Council Communication No. 96-059). **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-482 (a) Communication from Des Moines Development Chair (G. David Hurd), in support of the rehabilitation proposal. **Moved by Phillips to receive and file. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

* * END HEARINGS at 6:45 P.M. * *

****Council considered item 16 through 36 next****

Council Member McPherson left the meeting at 7:15 P.M.

APPROVING

96-483 55. Approving retention of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. as Bond Counsel and approving a Council Policy regarding the utilization of Bond Counsel services. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

96-484 56. Establishing Fair Market Value for possible replacement park in the Woodland Heights Neighborhood, (2100 block of Woodland Avenue), \$33,510. (Council Communication No. 96-057). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

57. The following items regarding Storey-Kenworthy redevelopment of Disposition Parcel No. 17C (south of Forest and East of Ohio) Central Place Industrial Park Redevelopment Program Urban Renewal Area, (Council Communication No. 96-051):

96-485 (a) Accepting Developer-initiated Redevelopment Proposal. **Moved by Vlassis to approve. Motion Carried 6-1. Absent: McPherson.**

96-486 (b) Authorizing advertisement for competing redevelopment proposals, and Notice of Intent to enter into an Agreement to Purchase Land for Private Redevelopment, if no competing proposals are received. **Moved by Vlassis to approve. Motion Carried 6-1. Absent: McPherson.**

58. Documents regarding Accent Holding Company L.P. (Accent Tag and Label Inc.), (Council Communication No. 96-052):

96-487 (a) Des Moines Action Loan, \$100,000. **Moved by Hensley to approve. Motion Carried 6-1. Absent: McPherson.**

96-488 (b) First Source Agreement. **Moved by Hensley to approve. Motion Carried 6-1. Absent: McPherson.**

96-489 59. Intergovernmental 28E Agreement with Windsor Heights, for Joint Exercise of Powers to Design, Acquire Property, and Construct the 63rd Street Widening Project, (Council Communication No. 96-045). **Moved by Hensley to adopt. Motion Carried 4-1-2. Pass: Flagg. Absent: McPherson and Vlassis.**

96-490 (a) Preconstruction agreement with Windsor Heights and Iowa DOT, to reconstruct the Intersection. **Moved by Hensley to adopt. Motion Carried 4-1-2. Pass: Flagg. Absent: McPherson and Vlassis.**

APPROVING (continued)

96-491 60. Intergovernmental 28E Agreement with Veterans Auditorium for

WITHDRAWN use of Emergency Operation Center (EOC) space. (Council Communication No. 96-061).

96-492 (a) Resolution ordering construction of City of Des Moines Emergency Operating Center at Veterans Memorial Auditorium, Receiving of Bids, (2-20-96), and setting Date of Hearing, (2-26-96). (Construction Estimate - \$30,500). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

96-493 61. Notification from Airport Board, regarding proposed regulation change for Telephone Services Rates at the Airport, effective March 18, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

COMMUNICATIONS/REPORTS

96-494 62. From Vision 2005 Citizens Committee requesting to speak. **Moved by Flagg to receive, file and grant the request to speak; establish Saturday, February 24, 1996, at 8:00 A.M. for a City Council Workshop/Retreat to discuss Local Option Sales Tax Proposals. Motion Carried 7-0.**

****Council considered Hearing Items 46-54 next****

****Council Member Flagg left the meeting at 8:15 P.M.****

96-495 63. Request from Allen Houghton, 211 S.E. 28th, to speak regarding Mid-America Recycling at 2743 S.E. Market. **Moved by Phillips to receive, file and grant the request to speak; direct staff to take necessary measures to abate this nuisance and enforce the ordinance. Motion Carried 5-2. Absent: Flagg and McPherson.**

****Council Member Daniels left the meeting at 8:30 P.M.****

96-496 64. Oral request of Mayor Davis to discuss City's policy regarding fees for copies of City documents. **Moved by Phillips to discuss, and amend Administrative Policy 1.6 to allow one courtesy copy of City Council agenda items, prior to the Council meeting, to interested individuals. All other provision of this policy to remain in full force and effect. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-497 65. From City Council Employee Evaluation Sub-Committee, regarding the City Clerk. **Moved by Vlassis to receive, file and adopt the Committee's recommendations and reappoint the City Clerk for a term to continue at the pleasure of the Council, effective date of salary increase to be April 1, 1996. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

COMMUNICATIONS/REPORTS (continued)

96-498 66. From John Dingeman, 2710 SW Ninth Street, requesting to speak regarding frozen water lines. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

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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.

96-499 1. Communication from R. Michael Knapp, President of Iowa Realty Co. Inc., offering career alternatives to City employees who may be adversely affected by the repositioning of the City's work force. SPONSOR: Davis. **Moved by Hensley to receive, file and accept the offer, with appreciation. City Manager to distribute the information, as appropriate. Motion Carried 7-0.**

****Council considered item 14 next****

96-500 2. Submitting application for Iowa Arts Council Project Support Grant, \$8,000, to provide special events and programs at the amphitheater. SPONSOR: McPherson. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

A G E N D A

BOARD OF HEALTH

February 5, 1996

96-501 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

AUTHORIZING

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

96-502 (a) 330 Forest (vacant) TITLEHOLDER: Phoebe W. O'Reilly; CONTRACT BUYER/LANDLORD: Tony Lynn Harding. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-503 (b) 1704 Forest (vacant) TITLEHOLDER: Daniel L. Kauzlarich; CONTRACT BUYER/LANDLORD: Brenda Dodds; LEGAL INTEREST HOLDERS: Ed and Susan Moss. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-504 (c) 1525 - 6th (vacant) TITLEHOLDER/LANDLORD: Lloyd W. Kephart; LEGAL INTEREST HOLDER: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-505 (d) 1924 - 8th (vacant) TITLEHOLDER: Polk County, Iowa; CONTRACT BUYERS/LANDLORDS: John Davis and Christine Frank. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-506 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:52 P.M.**

