

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 24, 1997 4:30 P.M.

****CLOSED SESSION 3:30 P.M.****

97-903 1. ROLL CALL:**Present: Davis, Daniels, Flagg, Hensley, Phillips and Vlassis.**
Absent: Daniels and McPherson.

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

97-904 I. (A) 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 5-2. Absent: Daniels and McPherson.**

97-905 (B) Closed Session to discuss matters of pending litigation.

97-906 (C) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-907 (D) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

97-908 (E) Resolution to recess and reconvene at 4:30 P.M. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

PROCLAMATIONS - 4:00 P.M.:

Community Development Week

Council Member Daniels entered the meeting at 4:30 P.M.

INVOCATION:

Pastor Paul Bawden, Westchester Evangelical Free Church

97-909 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

***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.**

97-910 3. APPROVING CONSENT AGENDA - items 3 through 90: **Moved by Hensley to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

97-911 4. Communication from Legal Department regarding March 24, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

97-912 5. Southern Golf, Inc., Ned F. Chiodo, President dba Blank Golf Course, 808 County Line Road; Renewal - Expired 3-20-97 (With Sunday Sales and Beer Garden) - Application submitted 3-10-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-913 6. Campbell's Concessions, Inc., Calvin Campbell, President dba Campbell's, 3000 East Grand, Iowa State Fairgrounds - 4-H Building; New Application (With Sunday Sales) - Application submitted 2-27-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-914 7. George Davis dba Davis Concessions, 2601 Hubbell (Savage Softball Complex); New Application (With Sunday Sales and Beer Garden) - Application submitted 2-19-97. **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-915 8. National Speedways of Iowa, Inc., Robert E. Lawton, President dba Iowa State Fair Speedway, 3000 East Grand, Iowa State Fairgrounds; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-4-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-916 9. Sommani Vongxay dba Nut Pob Restaurant, 3318 Indianola Road; Renewal - Expires 3-28-97 (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-917 10. Daddy Bobs, Inc., Robert S. Puckett, Jr., President dba Porky's Tenderloin, 4444 Douglas; Renewal - Expires 3-29-97 (With Sunday Sales and Beer Garden) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-918 11. Shie Concessions Co., Shie W. Foudree, President dba Shie Concessions, 3000 East Grand - Iowa State Fairgrounds - Grandstand; Renewal - Expires 4-7-97 (With Sunday Sales and Beer Garden) - Application submitted 2-28-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

97-919 12. Coastal Mart, Inc., Jack C. Pester, CEO dba C Mart #1087, 1516 Southeast 1st Street; Renewal - Expires 4-29-97 (With Sunday Sales) - Application submitted 2-27-97.(Roll Call corrected to Class "E" Beer License). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-920 13. Coastal Mart, Inc., Jack C. Pester, CEO dba C Mart #1060, 5901 Fleur Drive; Renewal - Expires 4-29-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-921 14. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #1, 3735 Hubbell; Renewal - Expires 4-30-97 (With Sunday Sales) - Application submitted 3-5-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-922 15. Krause Gentle Corporation, W A Krause, President dba Kum & Go #208, 3200 Southeast 14th Street; Renewal - Expires 5-4-97 (With Sunday Sales) - Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-923 16. Kelly A. Bell dba Kelly's Texaco, 105 Southeast 63rd Street; Renewal - Expires 3-28-97 (With Sunday Sales) - Application submitted 3-6-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-924 17. New Oriental Food Store, Inc., Phrasimmaly Philauanh, President dba New Oriental Food Store, 515 East Grand Avenue; Renewal - Expires 4-6-97 (With Sunday Sales) - Application submitted 3-14-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

97-925 18. Coastal Mart, Inc., Jack C. Pester, CEO dba C Mart #1028, 3625 Ingersoll; Renewal - Expires 4-29-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-926 19. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy-Vee Food Store #3, 3221 Southeast 14th Street; Renewal - Expires 3-31-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-927 20. Michael Gerald Trier dba The Oasis Wine and Spirits, 1401 Buchanan; New Application (With Sunday Sales) - Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-928 21. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #515, 1421 Ingersoll; Renewal - Expires 5-11-97 (With Sunday Sales) - Application submitted 3-7-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-929 22. Contemporary Industries Corporation, Bruce Dawson, President dba 7-Eleven Store #304, 3148 Southeast 14th Street; Renewal - Expires 4-8-97 (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-930 23. Contemporary Industries Corporation, Bruce Dawson, President dba 7-Eleven Store #302, 4400 Hickman Road; Renewal - Expires 4-8-97 (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-931 24. Contemporary Industries Corporation, Bruce Dawson, President dba 7-Eleven Store #307, 3104 University; Renewal - Expires 4-8-97 (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-932 25. Contemporary Industries Corporation, Bruce Dawson, President dba 7-Eleven Store #301, 2829 Easton Blvd; Renewal - Expires 4-8-97 (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Beer-Wine Licenses

97-933 26. China Thai, LC, Sammy Lovan, President dba China Thai, 5013 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 2-12-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

97-934 27. Chicago Speakeasy Ltd, Ronald G. Jaeger, President dba Chicago Speakeasy, 1520 Euclid; Renewal - Expires 4-5-97 - Application submitted 3-7-97. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-935 28. Iowa Cub Club of Des Moines, Richard L. Easter, President dba Iowa Cub Club of Des Moines, 350 Southwest 1st Street; Renewal - Expires 4-7-97 (With Sunday Sales and Beer Garden) - Application submitted 2-13-97. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

WITHDRAWN 97-936 29. KC Development LC, Brian Krueger, Manager dba Fishbowl Bar and Grill, 3029 Merle Hay Road; Renewal - Expires 4-1-97 (With Sunday Sales) - Application submitted 2-27-97.

97-937 30. LC's, Inc., Connie Lee Bale, President dba LC's Corner, 344 Southeast Jackson; Renewal - Expires 4-4-97 - Application submitted 3-7-97. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-938 31. Graceward Ltd., Michael Wellman, President dba Wellman's Pub, 2920 Ingersoll; Renewal - Expires 4-2-97 (With Sunday Sales and Beer Garden) - Application submitted 3-10-97. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

Class "E" Liquor Licenses

97-939 32. Michael Gerald Trier dba The Oasis Wine and Spirits, 1401 Buchanan; New Application submitted 3-11-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-940 33. Service America Corporation, John T. Dee, President dba Service America, 350 SW 1st Street (Sec Taylor Stadium); Renewal - Expires 4-4-97 - Application submitted 3-6-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "F" Liquor Licenses

97-941 34. Service America Corporation, John T. Dee, President dba Service America, 350 SW 1st Street (Sec Taylor Stadium); Renewal - Expires 4-2-97 (With Sunday Sales and Beer Garden) - Application submitted 3-6-97. **Moved by Hensley to adopt. Motion Carried 6-1.**

Authorizing

97-942 35. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

97-943 36. Communication from the Public Works Director and City Manager recommending the streets for Preliminary Resolution and Construction of the 1997 Asphalt Stabilization Program. **Moved by Hensley to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 6-1.**

97-944 (A) Preliminary resolution for construction. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-945 37. License Agreement with Houghton Properties to conduct footing and foundation work and to install underground utilities on land located South of Guthrie Avenue between vacated Dixon Court and E. 18th Street (Disposition Parcel No. 20B/Guthrie Avenue Business Park - 1771 Guthrie Avenue). (Council Communication No. 97-155). **Moved by Hensley to approve. Motion Carried 6-1.**

97-946 38. Authorizing issuance of Certificate of Completion for Disposition Parcel No. 19A (1801 Thompson Avenue) /Guthrie Avenue Business Park Urban Renewal Area to Frederick C. James (Library Binding Services) and Release of Good Faith Deposit. (Council Communication No. 97-156). **Moved by Hensley to approve. Motion Carried 6-1.**

97-947 39. Resolution ordering bids (4-8-97), approving plans, specifications, form of contract, notice to bidders, Engineer's estimate, and setting date of hearing (4-21-97), for the 1995 Paving Program No. 1 Contract No. 2. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-948 (A) First consideration of ordinance establishing the grade for Caulder Avenue from SW 13th Place to SW 14th Street, SW Eighth Street from Kenyon to Porter, and E. 33rd Street from E. Euclid to E. Douglas. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

40. Resolution Ordering Construction of the following:

97-949 (A) 1997 Pavement Replacement Program, Receiving of Bids, (4-8-97), and Setting Date of Hearing, (4-21-97), (Construction Estimate - \$199,710.50). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-950 (B) Police Academy Shower Expansion, Receiving of Bids, (4-8-97), and Setting Date of Hearing, (4-21-97), (Construction Estimate - \$72,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-951 (C) SE 15th Street & Scott Avenue Storm Pumping Station Alternate Power, Receiving of Bids, (4-8-97), and Setting Date of Hearing, (4-21-97), (Construction Estimate - \$17,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-952 41. Approving agreement with Mid American Energy Company to install new pole at Greenwood Park Shelter - \$748.42. **Moved by Hensley to adopt. Motion Carried 6-1.**

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

97-953 (A) Birdland Park Marina Improvement, McAninch Corporation, \$29,156.93 is now due and \$20,376.34 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-954 (B) Des Moines ICA Regional Facilities Phase 12-Southwest Outfall Relief Sewer, Segment 2, Van Hauen & Associates, Inc., \$58,080.15 is now due and \$131,539.05 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-955 43. Communication from Cramer and Associates, Inc. requesting permission to sublet certain items on Fleur Drive Bridge over Raccoon River and Railroad Bridge Deck Overlay Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-956 44. Approving partial payments on three public improvement projects. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

97-957 45. Resolution accepting work and ordering preparation of plat and schedule of assessments for the 1994 Paving Program No. 1, Schedule No. 1994-06. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-958 (A) Resolution adopting and levying final schedule of assessments, and providing for payment. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-959 (B) Report of Chief Civil Engineer showing construction progress amounts due and funding availability of 1994 Paving Program, Eco-Tech Contractors, Inc. \$23,883.25 now due, remaining balance of \$38,096.56 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-960 46. Resolution levying assessments for costs of Nuisance Abatement-NAC (Emergency Orders) Schedule No. 1997-43. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

97-961 47. Purchase of 3040 Army Post Road for \$65,000 in conjunction with Airport Expansion, from Kenneth D. and Joyce A. Dalton. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-962 48. Offer to Purchase, Backslope and Property Adjustment Easement and Release, Warranty Deed and Partial Release of Mortgage, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project, from Clarence T. and Barbara B. Decker, 4124 E. University Avenue - \$350. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-963 49. Approving Noise and Avigation Easements for five properties in conjunction with the Airport Noise Compatibility Program, Phase II-Easement Purchase Program. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-964 50. Backslope and Property Adjustment Easements and Releases, in conjunction with 1995 Paving Program No. 1 - East 22nd Street - Dean Avenue to Maple Street, from Robert and Shirley Sherod, 2201 Des Moines Street - \$25, and Sandra Pieart (tenant), 2201 Des Moines Street - \$25. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-965 51. Approving Final Subdivision Plat for SOMERSET II, vicinity of SE 3rd Street and SE 5th Street (Southside YMCA), developed by Clarke Companies. (Council Communication No. 97-158). **Moved by Hensley to adopt, subject to receipt of the original title opinion and approval of same by the Legal Department. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

WITHDRAWN 97-966 52. Approval and Recognition by the Neighborhood Advisory Board (NAB) for the Indianola Hills Neighbors Association - Hartford and Indianola on the north, Park Avenue on the south, SW 9th on the west, and SE 14th on the east. (Presentation at 4:00 P.M.). (Council Communication No. 97-136).

97-967 53. (A) Communication from David Bush Submitting his resignation from the Park and Recreation Board effective January 31, 1997. **Moved by Hensley to accept with regret. Motion Carried 6-1.**

97-968 (B) Recommendation of Council Member Mike McPherson, Ward II, for appointment of Suzette Jensen to the Park and Recreation Board to fill unexpired term of David Bush to expire June 30, 1998. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-969 54. Recommendation of Council Member Mike McPherson, Ward II, for reappointment of Harold Belken to the Zoning Board of Adjustment for a five-year term to expire the first Monday of April, 2002. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-970 55. Recommendation of Council Member Tom Vlassis, Ward I, for appointment of Velma L. Turner to the Public Housing Board to fill unexpired term of Robert Raker to expire June 30, 1997. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-971 56. Communication from staff of Historic District Commission, submitting notice of Bennett Webster's oral resignation, effective immediately. **Moved by Hensley to declare the seat vacant, with regret. Motion Carried 6-1.**

STREET CLOSINGS

97-972 57. Authorizing closure of the following:

(1) CHRIST THE KING SCHOOL, 701 Wall Avenue, requesting permission to close S.W. 7th Street from Wall Avenue to Porter Avenue, Thursday, June 5, 1997 from 8:00 A.M. to 3:00 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

(2) TRINITY UNITED METHODIST CHURCH, 4211 Grand Avenue, requesting permission to close College from 8th Street to 9th Street, Thursday, April 10, 1997 from 4:30 P.M. to 6:30 P.M. **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

58. On issuance of General Obligation Bonds, for essential corporation purposes, for the following, (4-7-97):

97-973 (A) \$11,600,000 - various 1997-98 CIP Budget Projects. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-974 (B) \$990,000 - reconstruction, improvement and equipping of Fire Stations, buildings, facilities and other municipal buildings--Police Station, Police Academy, Equipment Maintenance Center and City Hall. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-975 58. (C) \$925,000 - improvements to Libraries, Blank Park Zoo, Botanical Center,

Community Centers, Swimming pools, Golf Courses and recreational facilities. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-976 (D) \$1,000,000 - expanding information, data management and communications systems. (Council Communication No. 97-153). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-977 59. On issuance of not to exceed \$30,500,000 Sewer Revenue Refunding Bonds, (4-7-97). (Council Communication 97-144). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-978 60. On vacation and conveyance of E. 21st Street right-of-way north of Guthrie and south of Morton, to Frank D. and Christine L. Holt, \$900, (4-7-97). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-979 61. On application from John Kline, The Legacy Group, to rezone property in the vicinity of 3140 Easter Lake Drive, from "R1-90" (Large Lot One Family Residential) and "P.U.D." (Planned Unit Development) to a "P.U.D.", to approve Conceptual Plan entitled Easter Lake Estates, to provide 33 80-foot wide single Family Lots, 38 75-foot wide Single Family Lots, and 32 70-foot wide Single Family Lots, all North of Easter Lake Drive, (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-980 62. On application from John Clarke, Clarke Companies Ltd., to rezone property in the vicinity of 2815 Fleur Drive, from "R1-80" (One Family Residential) and Limited "C-0" (Commercial-Residential), and "P.U.D." (Planned Unit Development), to P.U.D., approve amendment to the Conceptual Plan entitled Druid Hill Townhomes--to provide two 4-unit townhouses, and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-7-97). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-981 63. Approving payment of \$523.20 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al. **Moved by Hensley to approve payment. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-982 64. Approving payment of \$5,232.92 to Kenneth A. Johnsen for representation of Officer Richard Wallace in case of Taylor, et al. v. Craig, et al. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-983 65. Approving payment of \$736.25 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for representation of the City of Des Moines in case of Jerry Thompson v. City. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-984 66. Approving payment of \$38,500 to Paulette and Stephen Joyce and their Attorney, Peter Berger for a lawsuit against the City of Des Moines and David Moberg. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-985 67. Approving payment of \$4,093.09 to Guy Cook for representation of Roger Stiles in case of Smith v. City of Des Moines, et al. **Moved by Hensley to approve payment. Motion Carried 6-1.**

97-986 68. Approving payment of \$356 to John A. DeVerno of Wunder, Diefenderfer, Cannon & Thelen for legal services in conjunction with the Park and Ride Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

97-987 69. Submitting traffic regulation change for "No Stopping-No Standing" parking restrictions on both sides of East Douglas Avenue in front of Douglas Elementary School. (Council Communication No. 97-152). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

APPROVING

97-988 70. Contract with Urban Trees of Des Moines, for the Neighborhood Reforestation Project, in an amount not to exceed \$12,000 in 1997 Community Development Block Grant (CDBG) Funds, for the period of January 1, 1997 through December 31, 1997. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-989 71. Contract with Neighborhood Housing Services of Des Moines, Inc. for the 1997 Neighborhood Housing Services (NHS) Project, in an amount not to exceed \$100,465 in 1997 Community Development Block Grant (CDBG) Funds, for the period of January 1, 1997 through December 31, 1997. **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-990 72. Approving 1997 Iowa Citizens for Community Improvement (CCI) Housing Project, an amount not to exceed \$53,341 of 1997 Community Development Block Grant (CDBG) Funds, for the period of January 1, 1997 through December 31, 1997. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-991 73. Approving the 1996 Annual Emergency Shelter Grant (ESG) Report. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-992 74. Approving the 1995 Annual Emergency Shelter Grant (ESG) Report. **Moved by Hensley to adopt. Motion Carried 6-1.**

WITHDRAWN 97-993 75. Project Agreement with Iowa Air National Guard (IANG) for construction of New Aircraft Arresting Systems on Runway 13L/31R - \$65,000. (Council Communication No. 97-149).

97-994 76. Appointment of Advisory Board membership to accept charge of Advisory Board and approve proposed schedule of events for Local Law Enforcement Block Grant Program. (Council Communication No. 97-137). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-995 77. High Intensity Drug Trafficking Area Grant Application for funds from National Drug Control Policy for a multi-agency task force. (Council Communication No. 97-143). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-996 78. Proposal for 1998 Traffic Safety Program to the Governor's Traffic Safety Bureau for \$30,700. (Council Communication No. 97-138). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-997 79. City Manager's Monthly Financial Report for February, 1997, (on file in the City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 6-1.**

97-998 80. Decertification of Scott D. Baker regarding appointment to Police Officer by Roll Call 97-497 dated February 17, 1997. **Moved by Vlassis to defer to meeting of April 7, 1997. Motion Carried 6-1.**

97-999 81. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 6-1.**

82. Bids for the following:

97-1000 (A) Mid-States Ford Truck Sales, Inc. (4300 N.E. 14th Street, D.M., Marv Perry, President) for two (2) 1/2 ton pick up trucks and Dewey Ford, Inc., (444 East 4th Street, D.M., Mark Vuckavich, President) for two (2) 3/4 ton pick ups to be used by the Park and Recreation Department, (1/2 ton vehicles - \$28,206.20 and 3/4 ton vehicles - \$37,859). (Seven bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-1001 (B) Construction Materials, Inc., Cedar Rapids, IA. did not meet specifications, therefore, non-compliant. Bid awarded to Eddy Walker Equipment Co. (4044 E. 14th Street, D.M., Donald Eddy, President) for two (2) Melter Applicators to be used by the Public Works Department (Street Maintenance Division), \$40,560. (Six bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-1002 (C) Clarey's Safety Equipment Co., (Rochester, MN) and Quest Enterprises, Inc., (Walsenburg, CO) were non-compliant. Bid awarded to Danko Emergency Equipment Company, (115 S. Ash, Snyder, NE, Daniel Kreikemeier, President) for an annual contract for safety and protective clothing to be used by the Fire Department. (Eleven bids mailed-three bids received). (See roll call for various items and prices). **Moved by Hensley to adopt. Motion Carried 6-1.**

97-1003 (D) Hewlett-Packard Co., (Wilmington, Delaware) for a hardware support agreement and a software support agreement for a Hewlett-Packard computerized gas chromatograph to be used by the Engineering Department (Wastewater Reclamation Facility), \$13,749. (Non-competitive procurement). (Council Communication No. 97-161). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-1004 (E) Vogel Paint and Wax Co., Inc., (Orange City, IA) for traffic paint to be used by the Traffic and Transportation (Street Marking Division), \$20,074.45. (Seven bid mailed-three received). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-1005 83. Authorizing Finance Director to draw warrants on registers of March 28, 1997 and April 4, 1997; and the bills of the Des Moines Municipal Housing Agency for weeks beginning March 24, 1997 and March 31, 1997, and the biweekly payroll due employees on March 28, 1997. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

97-1006 84. On amendment to the Zoning Ordinance regulations regarding duplexes. **Moved by Hensley that this ordinance do now pass, #13,442. Motion Carried 6-1.**

97-1007 85. On City Council-initiated City-wide rezoning of property in the general vicinity south of the Raccoon River and Des Moines River to the South City Limits, from R-2 (One and Two Family Residential) to a Single Family District. **Moved by Hensley that this ordinance do now pass, #13,443. Motion Carried 6-1.**

97-1008 86. On rezoning of property at 5555-5611 Meredith Drive, from "A-1" (Agricultural District) and C-2 (General Highway Oriented Commercial) to a PUD (Planned Unit Development). **Moved by Hensley that this ordinance do now pass, #13,444. Motion Carried 6-1.**

97-1009 87. On rezoning of property in the 2501 block of E. Army Post Road, from "R1-80" (One Family Residential) and "A-1" (Agricultural District) to "PUD" (Planned Unit Development). **Moved by Hensley that this ordinance do now pass, #13,445. Motion Carried 6-1.**

97-1010 88. Amending Chapter 27 of the Municipal Code regarding installation of handicapped parking in the vicinity of Third and Locust. **Moved by Hensley that this ordinance do now pass, #13,446. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

97-1011 89. Amending Chapter 5 of the Municipal Code regarding prohibited sales and acts and certificate of exemptions for alcoholic beverage licensed establishments. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

97-1012 90. Amending Chapter 2 of the Municipal Code regarding duties of the City Engineer to reflect recent reorganization and consolidation. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

97-1013 91. On amendment to the Zoning Ordinance regulations regarding design and construction of single-family homes, including mobile and manufactured homes, to require compliance with various standards. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

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

****Council considered Items 108 through 110 next****

ORDINANCES - FIRST CONSIDERATION

97-1014 92. Amending Chapter 2 of the Municipal Code regarding composition of the Civil Service Commission. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1015 93. Amending Chapter 15 of the Municipal Code regarding fees for aquatic centers and swimming pools. (Council Communication No. 97-145). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1016 94. Amending Chapter 15 of the Municipal Code regarding Blank Park Zoo Admission fees. (Council Communication No. 97-147). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1017 95. Amending Section 2-362.03 of the Municipal Code regarding powers of the Airport Board being subject to limitations imposed by revenue bonds or pledge orders. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1018 96. Amending Section 27-1606 of the Municipal Code regarding loading zone on Fifth Avenue on the east side, from Walnut to a point 125 feet north. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 97)

97-1019 97. To solicit Citizen input regarding proposed policy changes for Tax Increment Financing Districts (TIF's). **Moved by Hensley to receive, file and approve the City Manager's proposal for a 75/25 distribution of tax increment funds (TIF), as more specifically outlined in the 1997-98/2002-03 Capital Improvements Program Budget. Motion Carried 5-1-1. Nays: Flagg.**

* * END INFORMAL HEARINGS at 6:25 P.M. * *

HEARINGS (Opened at 6:27 P.M.) (Items 98 thru 107)

97-1020 98. On City Plan Commission-initiated rezoning of property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from C-2 (Commercial-Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to a New "Neighborhood Pedestrian Commercial District" and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-1021 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1022 99. On proposal to sell excess City property at 698-20th Street, to Sherman Hill Association, \$340 and agreement for renovation within one year. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-1023 100. On conveyance by warranty deed of excess property at 4416 University Avenue to Phyllis J. Roiland, \$24,500. **Moved by Hensley to adopt. Motion Carried 6-1.**

97-1024 101. On vacation and conveyance of a portion of the E. 33rd Street right-of-way between E. Euclid and E. Douglas, to Bernard J. Baker III, \$10,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1025 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-1026 102. On conveyance of the North/South alley right-of-way in the vicinity of 1232 E. 22nd Street, to Robert J. Tursi, \$25 plus costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1027 103. On conveyance of the North/South alley right-of-way west of the 2800 block of E. 16th, to Luther Care Services, \$75 plus costs. **Moved by Flagg to adopt. Motion Carried 6-1.**

97-1028 104. On proposed Lease Agreement with Club Car Inc., for rental of 95 golf carts, for a 36-month period, for use at Grandview and Waveland Golf Course, \$63,270 annually, (continued from 3-17-97). **Moved by Phillips to adopt. Motion Carried 6-1.**

97-1029 (A) Approving form and execution of lease. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-1030 105. On E. University Avenue at Williams Street Intersection Improvements (IDOT Project); Approving plans, specifications, form of contract documents and Engineering's estimate of costs. **Moved by Flagg to adopt. Motion Carried 6-1.**

97-1031 106. On E. University Avenue Beautification - Fairground Edge (IDOT Project); Approving plans, specifications, form of contract documents and Engineering's estimate of costs. **Moved by Flagg to adopt. Motion Carried 6-1.**

97-1032 107. On SW Seventh Street Bridge over Raccoon River Rehabilitation (IDOT Project); Approving plans, specifications, form of contract documents and Engineering's estimate of costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

* * END HEARINGS at 7:16 P.M. * *

****Council considered Item 111 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

97-1033 108. Regarding request for Hotel/Motel Tax Funding, for Des Moines Sports Authority and Downtown Partnership. (Council Communication No. 97-159). **Moved by Vlassis to receive and file. City Manager to provide a policy recommendation to the Council by June regarding the Hotel/Motel allocation decision-making process for future use. Motion Carried 5-1. Council Member Daniels declares a conflict of interest, and abstains from voting.**

97-1034 109. Regarding City of Des Moines Telecommunications System.(Council Communication No. 97-160). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1035 110. Legislative Update for 76th Iowa General Assembly (Report available on Monday 3-24-97). **Moved by Hensley to receive and file the attached report. Motion Carried 6-1.**

****Council considered Hearing Items 97 through 107 next****

APPROVING

97-1036 111. Reaffirming previous decision of February 17, 1997, that Alternate 2 be selected as the approved alternate for the 30th Street/31st Street Widening at University Avenue. (Council Communication No. 97-151). **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Davis and McPherson.**

97-1037 112. Contract with Cheryl Marsh, C. Marsh and Associates, for Enterprise Community Recovery Village Project, in an amount not to exceed \$35,000 in Social Service Block Grant (SSBG) Funds, for the period of January 1, 1997 to December 31, 1997. (Council Communication No. 97-140). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1038 113. Contract with Carol Behrer, independent contractor, for Enterprise Community Grant Writer Project, amount not to exceed \$50,000 from Social Service Block Grant (SSBG) funds, for the period of March 1, 1997 through February 28, 1998. (Council Communication No. 97-141). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1039 114. Approving placement of an additional crossing guard at King Elementary School - 19th and Forest. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1040 115. Financial Statements of Des Moines Employee's Deferred Compensation Program- Plan 60 and Independent Auditor's Reports for fiscal year ended June 30, 1996. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

97-1041 (A) Request from Council Member McPherson to discuss the current status of Plan 60 Funds. **Moved by Vlassis to receive, file and discuss. Motion Carried 5-1-1. Pass: Flagg.**

97-1042 116. Loan to Elegant Ltd., d/b/a Elegant Touch Cleaners to relocate to 1220 High Street, \$20,000 - Temporarily funded by UDAG Repayment Funds and permanently funded from Capital-Center/Riverpoint Urban Renewal Area Tax Increment Financing, (continued from 3-17-97). (Council Communication No. 97-154). **Moved by Hensley to approve. Motion Carried 6-1.**

97-1043 117. Amendment to Capitolview South Affordable Housing Program to allow tax abatement on homes constructed under Capitolview South Affordable Housing Program. (Council Communication No. 97-142). **Moved by Phillips to approve. City Manager to re-evaluate this program with appropriate Boards and/or agencies. Motion Carried 6-1.**

****Council considered Item 123 next****

Council Member Flagg left the meeting at 7:50 P.M.

97-1044 118. Selection of two new stable/transitional positive neighborhoods and creation of task force to address Neighborhood Revitalization Program effectiveness. (Council Communication No. 97-139). **Moved by Vlassis to adopt, including the Des Moines Action Board (DMAB) as part of the Task Force. Motion Carried 5-2. Absent: Flagg and McPherson.**

97-1045 119. Authorizing the City Manager or designee to sign contracts for activities of the Park & Recreation Department, including sponsorships, advertising trade-outs and recreational service providers. (Council Communication No. 97-146). **Moved by Daniels to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

97-1046 120. Selection of Concessionaire for food, gift, catering and alcoholic beverage services at Blank Park Zoo and execution of two-year Concession Agreement with Service System Associates. (Council Communication No. 97-148). **Moved by Daniels to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

97-1047 121. Amending Supplemental Agreement to Communication Services Agreement with State of Iowa Department of General Services for procurement of Internet Access through I.C.N. (Council Communication No. 97-157). **Moved by Daniels to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

122. Bids for the following:

97-1048 (A) Cross Comm Corporation, (Rosemont, IL) for procurement of bridge routers and maintenance to be used by Data Processing Center, \$17,642.56, (Non-competitive procurement). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

97-1049 (B) GE Capital Information Technology Solutions, (Urbandale, IA, Perry Monych, President) for procurement of computer equipment for Internet Web Server to be used by Data Processing Center, \$10,177, (Non-competitive procurement). (Council Communication No. 97-150). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

COUNCIL REQUESTS

97-1050 123. From Council Member Flagg to discuss C.D.B.G. Funds-Electrical Assistance Grant. **Moved by Flagg to receive, file and discuss. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

97-1051 124. From the Des Moines Human Rights Commission regarding allocation of the funding to hire an Education Specialist. **Moved by Vlassis to receive and file the communication. Motion Carried 5-2. Absent: Flagg and McPherson.**

97-1052 125. From John Burgeson, Chair, Capitol Gateway East Steering Committee regarding their progress on Capitol Gateway East Urban Design Project. **Moved by Phillips to defer to April 7, 1997 meeting. Motion Carried 5-2. Absent: 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.

1. Authorizing closure of the following:

97-1053 (A) HE LIVES MINISTRY & B.A.B.I.E.S. BARBER SALON, Marvin and Tallya Brown requesting permission to close University Avenue from west of 13th to 14th Street, Sunday, March 30, 1997 from 2:00 P.M. to 5:00 P.M. for Grand Opening. SPONSOR: Flagg. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-1054 (B) THE NATION OF ISLAM, Muhammad Mosque requesting permission to close Forest Avenue from 21st Street to alley way at 1404 21st Street, Saturday, April 5, 1997 from 1:00 P.M. to 7:00 P.M. for a Community Peace Jam. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-1.**

WITHDRAWN97-1055 2. Approving Community Service Facility Operational Agreement with YWCA to operate Public Senior Center/Congregate Meal Community Service facility in Seventh and Grand Garage for term extending to December 31, 1999 (no fees). SPONSOR: Phillips.

A G E N D A

BOARD OF HEALTH

March 24, 1997

97-1056 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: Flagg and McPherson.**

AUTHORIZING

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

97-1057 (A) 1543 Lyon St., vacant HEIRS OF TITLEHOLDER, WACILE D. HIGGINS: Jacqueline Higgins and Mary Rogers; LEGAL INTEREST HOLDER(S): John Holtz, d/b/a Laserflo Investment Company, Bill Holtz d/a/a Laserflo Investment Company, City of Des Moines, ATTN: Jim Fox, H.C.S. Administrator, Community Development Department, Jacqueline Higgins, Conservator for Wacile D. Higgins. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

97-1058 (B) 2542 Onawa St., vacant, TITLEHOLDER(S): Ronald Arthur VanElsen and Cheryl L. VanElsen. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

97-1059 (C) 3938 10th St., vacant, TITLEHOLDER(S): Mary Jean Christensen, DECEASED, Larry E. Christensen, and Cash Consultants, L.C., ATTN: Kathryn S. Barnhill, Registered Agent; LEGAL INTEREST HOLDER(S): G.E. and J.T. Myers Living Trust, ATTN: Gerald E. Myers, Trustee, and Raymond J. Olson. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

97-1060 (D) 1331 E. 13th St., vacant, TITLEHOLDER: Scott Aaron Yates; LEGAL INTEREST HOLDER(S): Becky Holtz, and John Holtz. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

97-1061 (E) 1221 E. 21st St., vacant, HEIRS OF TITLEHOLDER, BARBARA J. TAYLOR: Fred Taylor, Jr., Tyanna Hunter, Kevin Taylor, Dee Taylor, Robert Taylor, Tracey Taylor, and Michael Taylor. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

97-1062 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:05 P.M.**