

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**February 17, 1997**

**4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

Brotherhood/Sisterhood Week

**INVOCATION:** Pastor Tim Miller, St. Paul Lutheran Church

97-428 1. ROLL CALL: Present: Davis, Daniels, Flagg, Hensley, McPherson, and Vlassis.  
Absent: Phillips.

97-429 I. Request from Council Member Daniels to allow Tom Hadden, Executive Director of the Metro Waste Authority, to update the Council regarding the Authority. **Moved by Daniels to grant the request. Motion Carried 6-1.**

97-430 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

97-431 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by McPherson to adopt. Motion Carried 6-1.**

**LICENSES AND PERMITS:**

Approving

97-432 4. Communication from Legal Department regarding February 17, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

97-433 5. Jose O. Henriquez dba America, 2312 Forest; New Application (With Sunday Sales) - Application submitted 1-23-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

97-434 6. Krause Gentle Corporation, W A Krause, President dba Kum & Go #207, 4200 East Hubbell; Renewal - Expires 4-6-97 (With Sunday Sales) - Application submitted 1-28-97. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

Class "E" Beer Licenses

97-435 7. Central City Liquor, Inc., Thomas P. Duax, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-97 (With Sunday Sales) - Application submitted 1-27-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-436 8. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3503-3505 Ingersoll Avenue; Renewal - Expires 2-28-97 (With Sunday Sales) - Application submitted 1-17-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-437 9. Merlyn K. Linn dba Linn's Super Market, 3805 6th Avenue; Renewal - Expires 3-7-97 (With Sunday Sales) - Application submitted 1-28-97. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

#### Class "C" Liquor Licenses

97-438 10. Lynch Investments, Inc., Kevin F. Lynch, President dba A.K. O'Connor's, 4050 Urbandale Avenue; Renewal - Expires 2-24-97 (With Sunday Sales) - Application submitted 1-17-97. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-439 11. Walter F. Jahncke, III, Michele M. Jahncke, & Richele R. Henderson Bradford, Partners dba Chat Noir Cafe, 644 18th Street; New Application submitted 1-28-97. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-440 12. Roger Veach & Antonette Redman, Partners dba Fitz's Pub, 1307 Locust; Renewal - Expires 2-25-97 (With Sunday Sales) - Application submitted 1-17-97. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-441 13. Hawkeye Elks Lodge No. 160, Ronald McClain, President dba Hawkeye Elks Lodge No. 160, 1401 Walker Street; Renewal - Expires 3-27-97 (With Sunday Sales) - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

#### Class "E" Liquor Licenses

97-442 14. Central City Liquor, Inc., Thomas P. Duax, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-97 - Application submitted 1-27-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-443 15. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3503-3505 Ingersoll; Renewal - Expires 2-28-97 - Application submitted 1-17-97. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Authorizing

97-444 16. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels.**

97-445 17. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Gamerrooms

97-446 18. Jerry P. Nelson, Secretary, Iowa Operators of Music & Amusements, Hotel Fort Des Moines, 1000 Walnut: Temporary License for February 21, 22, 23, 1997 - Dart Tournament. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### Refunds

97-447 19. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **PUBLIC IMPROVEMENTS**

97-448 20. Authorizing City Manager to proceed on various Fire Station improvements included in 1996-97 Capital Improvements Program - \$267,000. (Council Communication No. 97-066). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-449 21. Authorizing City Manager to proceed with final design of alternate No. 2 for construction of 30th/31st Street Realignment Project University Avenue to Forest Avenue) - \$1.9 Million. (Council Communication No. 97-074). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-450 22. Approving application to Iowa Department of Transportation for Traffic Safety Funds to cover portion of construction costs for 31st Street and Kingman Boulevard Intersection Widening and Traffic Signal Installation - \$210,000. (Council Communication No. 97-073). **Moved by McPherson to adopt. Motion Carried 6-1.**

**WITHDRAWN** 97-451 23. Approving Professional Services Agreement with Herbert Lewis Kruse Blunck for Design and Construction-Phase Services in conjunction with the Skywalk Connection (Tunnel) between Hotel Fort Des Mines and 10th and Walnut Parking Garage, for compensation not to exceed \$86,125. (Council Communication No. 97-069).

24. Resolution Ordering Construction of the following:

97-452 (A) 1997 Sanitary Sewer Cleaning and TV Inspection, Receiving of Bids, (3-4-97), and Setting Date of Hearing, (3-17-97), (Construction Estimate - \$33,000). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-453 (B) Easter Lake Trash Rack on Yeader Creek, Receiving of Bids, (3-4-97), and Setting Date of Hearing, (3-17-97), (Construction Estimate - \$27,755). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-454 25. Authorizing distribution of Chapter 573 Code of Iowa Claim by J. Pettiecord Inc., against Flynn Construction Company, Inc. (Principal Contractor), and Reilly Construction-Economy Trucking Co., (Sub-Contractor), for Airport Terminal Replacement Phase II. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-455 26. Communication from Neumann-Kiewit Constructors, a joint venture requesting permission to sublet certain items on the Des Moines Skywalk System Bridge 7B-7C public improvement project. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-456 27. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the SE 8th Street and E. Granger Avenue Sanitary Sewer Repair, The Underground Company, Ltd., \$4,657.57 is now due and \$2,451.35, the remaining balance to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-457 28. Approving partial payments on three public improvement projects. (See roll call for list and funding availability). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **LAND/PROPERTY TRANSACTIONS**

97-458 29. Approving release of City Liens against the following Polk County Tax Sale Properties to clear title objections: 1805 6th Avenue, 1163 10th Street, 1339 Martin Luther King Jr. Parkway (see roll call for various amounts). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-459 30. City's Offer to Compensate for Damages to Personal Property Occasioned by Taking of Adjacent Real Property and Owner's Acceptance and Release, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop), to Roberts and Dybdahl, 205 SW 11th Street - \$103,950. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-460 31. Offer to Purchase, Backslope and Property Adjustment Easement and Release, Warranty Deed, and Partial Release of Mortgage, in conjunction with Iowa 163 (E. University) and Williams Street Intersection Improvement Project, from Clarence T. and Barbara B. Decker, 4124 University Avenue - \$2,063.60. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-461 32. Backslope and Property Adjustment Easement and Releases in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement from Penny J. Kuhlers, 4034 E. University - \$20, Gordon W. and Theresa A. Clemens, and Dennis W. Clemens, 1110 Williams Street - \$350, Karen J. Munson, 1110 Williams - \$50, and Thomas W. Reynolds, and Robert J. Reynolds - \$50. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-462 33. Backslope and Property Adjustment Easements and Releases, in conjunction with 1995 Paving Program No. 1 - E 34th Street/SE 34th Street - Dean Avenue to Railroad Tracks, from Arthur L. Oldes, 152 SE 34th Street - \$25, Wanita S. Boydston, 104 SE 34th Street - \$25, Jack and Rhonda Richard, 134 SE 34th Street - \$25, Melvin L. and Mary Kain, 116 E. 34th

Street - \$25, Homer F. and Anna L. Blackford, 140 E. 34th Street - \$25, Bernice M. Gillaspy, 110 SE 34th Street - \$25, and Robert C. and Betty I Fausett, 144 SE 34th Street - \$25. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-463 34. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 63 (E. University Avenue) and Williams Street Intersection Improvement, from Wayne Russell, L.C., 4150 E. University - \$220. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-464 35. Approving Noise and Avigation Easements for four properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-465 36. Quit Claim Deed in conjunction with 28th Street project, from Harvey Mikel and Mary Lou Mikel, 28th and College. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

97-466 37. Recommendation from Council Member Chris Hensley, Ward III, for appointment of Brook Wennerstrum to the City Plan Commission for a five-year term commencing in 1996, and to expire July 2, 2001. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-467 38. Communication from City Clerk Submitting 1996 Board, Commission and Committee Attendance Report. **Moved by McPherson to receive and file. Motion Carried 6-1.**

97-468 (A) Communication from Chair of Des Moines Action Board, regarding attendance. **Moved by McPherson to receive and file. Motion Carried 6-1.**

### **CITY PLAN COMMISSION RECOMMENDATIONS**

97-469 39. Regarding request from Dean E. Lettington and Glenn Signs, Jr. for vacation and conveyance of a portion of East/West alley right-of-way in vicinity of 405 Southeast 35th Street. **Moved by McPherson to adopt and refer to the Legal Department for implementation. Motion Carried 6-1.**

### **SETTING DATE OF HEARINGS**

97-470 40. 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 and to find this in conformance with the 2000 Land Use Plan. (3-3-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-471 41. On amendment to the Zoning Ordinance regulations regarding duplexes, (3-3-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-472 42. On application from Tim Erickson, Erickson Excavating, Inc., to rezone 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) Conceptual Plan entitled Three Lakes Estates, to provide 261 single family lots and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-3-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-473 43. Regarding request from Paul E. and Gail L. Heuss, for voluntary annexation of 5555, 5605 and 5611 Meredith Drive, approval of application to rezone property from "A-1" (Agricultural District) and C-2 (General Highway Oriented Commercial) to a PUD (Planned Unit Development) for 58 condominiums and one single family unit; approval of application to amend the Des Moines 2000 Land Use Plan by classifying property as Commercial, and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-3-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-474 44. On proposed six-month lease with City View Partners, for 1,118 square feet of office space at 1251 University, Suite E, to temporarily house the Model City Neighborhood site office, \$900 per month, (2-24-97). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Phillips.**

97-475 45. On Parking License Agreement, (20-year term), with The Graham Group, Inc., for 150 parking spaces at the Ninth and Locust/Grand Parking Garage, monthly fee equal to City's prevailing parking rate, (2-24-97). **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-476 46. On authorization of a Loan Agreement and Issuance of \$3,600,000 Airport Revenue Capital Loan Notes, Series 1997, (3-17-97). (Council Communication No. 97-083). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-477 47. On Lease Amendment, to expand the Iowa Air National Guard (IANG) leasehold at the Des Moines International Airport, (3-3-97). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

97-478 48. Approving selection of Mr. John A. DeVierno of Wunder, Diefenderfer, Cannon & Thelan to act as special counsel to represent the interests of the City for facilitating the Park and Ride Project to be compensated for legal services at the rate of \$210.00 per hour. (Council Communication No. 97-076). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-479 49. Approving payment to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for bond counsel services provided in conjunction with defeasance of general obligation bonds allocated to Veterans Memorial Auditorium and Des Moines Convention Center. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-480 50. Approving payment of \$47.50 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Kayne Robinson in case of Veasley, Brown, Knox and Tarver v. City et al. **Moved by McPherson to approve payment. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-481 51. Approving payment of \$1,021.38 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-482 52. Approving payment of \$2,088.46 to Ensz and Jester, P.C. for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et al. **Moved by McPherson to approve payment. Motion Carried 6-1.**

97-483 53. Approving settlements made in satisfaction of damages to City-owned property. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-484 54. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-1.**

#### **CITY MANAGER COMMUNICATIONS**

97-485 55. Submitting out-of-state travel request for Anna L. Kingery, and James Grant. (Council Communication No. 97-067). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-486 56. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 97-075). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

#### **APPROVING**

97-487 57. Revisions to Program Concept Guidelines for Capitolview South Affordable Housing Program, and to the Single Family Affordable Housing Program. (Council Communication No. 97-068). **Moved by McPherson to approve. Motion Carried 6-1.**

**WITHDRAWN**97-488 58. (A) Agreement to allocate \$61,400 in **1995** HOME Projected Program income, to Neighborhood Housing Services of Des Moines, Inc.

**WITHDRAWN**97-489 (B) Agreement to allocate \$61,400 in **1996** HOME Projected Program income, to Neighborhood Housing Services of Des Moines, Inc.

97-490 59. Approving Grant Agreements with Housing and Urban Development (HUD), City to receive grant award of \$5,209,000 in 1997 Community Development Block Grant (CDBG) funds, \$1,105,000 of 1997 Home Investment Partnership Program (HOME), and \$137, 000 of 1997 Emergency Shelter Grant (ESG) funds for the implementation of the 1997 Consolidated Plan; January 1 to December 31, 1997. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-491 60. Approving contract with Des Moines Area Community College for the Chemical Dependency Counseling and Cultural Diversity Training Project, in an amount not to exceed \$24,000 in Social Service Block Grant (SSBG) funding for the period of January 1, 1997 to December 31, 1997. **Moved by McPherson to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-492 61. Approving Amendment One to Contract with Iowa Department of Human Rights/Division of Community Action Agencies adding \$82,054 to City of Des Moines' Community Action Agency (DCAA) contract budget; total of \$398,827. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Daniels.**

97-493 62. Approving Amendment Two to contract with Iowa Department of Human Rights/Division of Community Action Agencies, for Low-Income Home Energy Assistance Program, adding \$564,291 for a project total of \$1,541,491. **Moved by Hensley to adopt. Community Development Department to report on sources of funding and any additional funding that may be available. Motion Carried 6-1.**

97-494 63. Approving Community Services Block Grant (CSBG) Quarterly Activity Report for the time period from October 1, 1996 to December 31, 1996. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-495 64. Tax Abatement applications for additional value added by improvements made during 1996. (511 applications on file in Clerk's Office- See roll call for list). (Council Communication No. 97-072). **Moved by McPherson to adopt. Motion Carried 6-1.**

65. Report of Civil Service Commission submitting the following Entrance Lists:

97-496 (A) Tree Trimmer, Recreation Program Coordinator, and Security Assistant. **Moved by Hensley to receive and file. Motion Carried 6-1.**

97-497 (B) Police Officer, and Reserve Police Officer. **Moved by Hensley to receive and file. Motion Carried 6-1.**

97-498 66. Report of Civil Service Commission correcting Entrance Investigative Assistant List previously certified on January 20, 1997 to include Melanie Donahue. **Moved by McPherson to receive and file. Motion Carried 6-1.**

97-499 67. Bid for a GMC Pickup Truck to be used by the Traffic and Transportation Department (Parking Meter Maintenance Division) - from McKenna Truck Center, (5325 N.E. 14th Street) under State of Iowa Contract 1594. \$11,214 (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 6-1.**

97-500 68. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**



97-501 69. Authorizing Finance Director to draw warrants on registers of February 21, 1997 and the bills of the Des Moines Municipal Housing Agency for weeks beginning February 17, 1997. **Moved by McPherson to adopt. Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

97-502 70. Amending Section 2-48.08, 2-100.01, 2-299.01 and 18-2.01 of the Municipal Code regarding conflict of interest. **Moved by Hensley that this ordinance be considered and given second vote for passage.**

97-503 (A) Final consideration of ordinance above, (waiver requested by City Manager. Requires six votes.) **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,431. Motion Carried 6-1.**

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

**\*\*Council considered Hearing Items 72 thru 75 next\*\***

**ORDINANCES - FIRST CONSIDERATION**

97-504 71. Amending Chapter 27 of the Municipal Code regarding corner clearance on the east side of E. 26th, south of E. Madison. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Phillips and Flagg.**

**HEARINGS (Opened at 5:49 P.M.) (Items 72 thru 75)**

97-505 72. On application from William C. Knapp, Knapp Properties, to rezone property (approximately 140 acres) at 3615 SW 63rd, 6101 and 6001 Watrous, and 3500 SW 56th Street, from "R-2" (One and Two Family Residential) and "PBP" (Planned Business Park), and "M-3" (Limited Industrial District) to a PUD, and to approve the Conceptual Plan - Airport Commerce Park West, and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 4-2. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips and McPherson.**

97-506 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-2. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips and McPherson.**

97-507 73. On request from William Flannery, Aviation Department, to rezone property in vicinity of Stanton Avenue to McKinley and between SW 34th and SW 32nd Street, from an "R1-80" (One Family Residential), to an "M-3" (Limited Industrial) and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

97-508 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Phillips and Flagg.**

97-509 74. On conveyance of City right-of-way in vicinity of SW 63rd and Grand, (Highway 28), to the State of Iowa, in conjunction with the widening of SW 63rd Street. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

97-510 75. On Waveland Golf Course Storm Sewer Repair; Approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, (Duane Burkhardt, President, 2407 SW 9th, DM), \$27,530. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

97-511 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

\* \* END HEARINGS at 5:53 P.M. \* \*

**\*\*Council considered Item 71 next, then 76 thru end of agenda\*\***

#### **CITY MANAGER RECOMMENDATIONS**

97-512 76. Legislative Update for 76th Iowa General Assembly (Report available on Monday 2-17-97). **Moved by Vlassis to receive and file the attached report. Motion Carried 6-1.**

#### **APPROVING**

97-513 77. Form of Request for Proposals (RFP) for third party to administer current Section 457 Deferred Compensation Plan 60 Program. (Council Communication No. 97-065). **Moved by Vlassis to adopt. Motion Carried 4-1-1. Council Member Hensley declares a conflict of interest, and abstains from voting. Nays: Flagg. Absent: Phillips.**

97-514 78. Form of Request for Proposals (RFP), for towing and storage of impounded vehicles. (Council Communication No. 97-070). **Moved by Vlassis to defer one week to 2-24-97, for additional time to review information. Legal Department to report on City's ability to implement a surcharge on towed vehicles. Motion Carried 6-1.**

97-515 79. Documents regarding \$200,000 Community Economic Betterment Account (CEBA) Loan, and \$200,000 Des Moines Action Loan, to Flynn Enterprises, Inc., (f/k/a EMCO Industries), 220 New York Avenue. (Council Communication No. 97-071). **Moved by McPherson to approve. Motion Carried 6-1.**

97-516 80. Letter of Agreement with Metro Transit Authority, (MTA), for development of the Park and Ride Facility Project. (Council Communication No. 97-077). **Moved by Hensley to adopt. Motion Carried 6-1.**

81. Approving Labor Agreements with the following:

97-517 (A) American Federation of State, County, and Municipal Employees (AFSCME). (Council Communication No. 97-078). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-518 (B) Central Iowa Public Employees Council (CIPEC). (Council Communication No. 97-079). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-519 (C) Des Moines Association of Professional Fire Fighters, Local No. 4. (Council Communication No. 97-080). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-520 (D) Municipal Employees Association (MEA). (Council Communication No. 97-081). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-521 (E) Des Moines Police Bargaining Unit Association. (Council Communication No. 97-082). **Moved by Vlassis to adopt. Motion Carried 6-1.**

### **COUNCIL REQUESTS**

97-522 82. Request from Council Member Flagg to discuss reimbursement of City Council expenses. **Moved by Flagg to receive and file. Motion Carried 6-1.**

97-523 83. Request from Council Member Daniels to discuss Hotel/Motel Tax Funding for Greater Des Moines Sports Authority (\$10,000). **Moved by Hensley to discuss. City Manager to present report on Hotel/Motel Tax Budget at City Council Workshop February 20, and to place this item on Council Agenda for February 24. Motion Carried 6-1.**

**WITHDRAWN**97-524 84. Request from Council Member Daniels to discuss Cable T.V. Franchise.

97-525 85. From Council Member Vlassis regarding appointment to 1997 Community and Economic Development Steering Committee of the National League of Cities (NLC) and City's commitment for travel to four (4) meetings in 1997. **Moved by McPherson to receive, file and approve. Motion Carried 6-1.**

### **COMMUNICATIONS/REPORTS**

97-526 86. From Sherman Hill Historic District submitting petitions to establish the Sherman Hill Historic Street Lighting Self Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive, file and refer to the City Planning Commission. Motion Carried 6-1.**

97-527 87. From Louise Jenkins, 1600 Carpenter, requesting to speak regarding the request for a Citizen Review Committee. **Moved by Vlassis to receive, file and grant request to speak. Ms. Jenkins will submit her report to the City Manager for review. Motion Carried 6-1.**

\* \* \* \* \*

## **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.**

97-528 1. Recommendation of Council Member Preston Daniels for reappointment of Jack Sink to Des Moines Traffic Safety Committee for three-year term commencing in 1996 to expire December 31, 1999. SPONSOR: Daniels. **Moved by Daniels to adopt. Motion Carried 6-1.**

97-529 2. Communication from Jack Hatch submitting his resignation from the Public Housing Board, effective immediately. SPONSOR: Daniels. **Moved by Daniels to receive, file and accept with deep regret. Motion Carried 6-1.**

97-530 (A) Disclosure of potential conflict of interest and request for waiver from HUD concerning Jack Hatch. SPONSOR: Daniels. **Moved by Daniels to adopt. Motion Carried 6-1.**

97-531 3. Condemnation Commissioners' award of \$12,000 plus Sheriff's fees and jury expenses in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement, to Alan Wayne King. SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-532 4. Fair Market Value for property at 4100 East University Avenue, from Alan Wayne King, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project - \$47,000. SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **A G E N D A**

### **BOARD OF HEALTH**

**February 17, 1997**

97-533 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

### **AUTHORIZING**

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

97-534 (A) 1619 Capitol, vacant, TITLEHOLDER/LANDLORD: John Bruce Bowers. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-535 (B) 1829 Mondamin Ave., vacant, TITLEHOLDER(S)/ LANDLORD(S): Carol Johnson,

J.C.'s Tap, Inc., Attn: Carol Johnson, Registered Agent; CONTRACT BUYER(S): Richard L. Danielson, Robert Rattray a/k/a Robert H. Rattray, Sr., and Linda Rattray; LEGAL INTEREST HOLDER(S): John Holtz, as Guardian and next best friend of Hunter Holtz, Dan J. Bronemann, Crystal A. Bronemann, Donald K. Bevard, Helen Tow, Norman Tow, DECEASED: HEIRS OF NORMAN TOW: Chris Ferguson, Fred Ferguson, Sandy Tow, Connie Seelye, Kenneth Seelye and Nancy Jacobson. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-536 (C) 2814 1st St., vacant, TITLEHOLDER(S)/LANDLORD(S): John Davis and Christine Frank; CONTRACT BUYER: Michael S. Miller. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-537 (D) 3919 16th St., vacant, TITLEHOLDER: William B. Fisher; LEGAL INTEREST HOLDER(S): Brian Kay and Bonnie J. Kay, 310 Credit Union, Attn: Sandra Robinson, Manager. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-538 1. (E) 1248 E. 21st St., vacant, TITLEHOLDER/LANDLORD: James H. Campbell, Sr., DECEASED; HEIRS OF JAMES CAMPBELL: Joe L. Campbell, Rose L. Campbell, David Campbell, Verna Campbell, Mary A. Colbert, John W. Colbert, Paul Campbell, Carolyn Campbell, James Campbell, Jr., Evelyn Campbell, Martha Campbell a/k/a Martha Weber, Fred Weber, Naomi Fisher, Ada Jackson, Emery J. Jackson, Jr., Ruth Allen, Donald Allen, John Campbell, DECEASED; HEIRS OF JOHN CAMPBELL: John R. Campbell, Jr., Yolanda Campbell, Craig A. Campbell, Lois Campbell; LEGAL INTEREST HOLDER(S): Polk County, Iowa, C/O General Services Dept., Attn: Frank Mauro or Vicki Miklus, Polk County, Iowa, Attn: Eliza Ovrom, Assistant County Attorney, Chief of Civil Bureau, Polk County, Iowa, Attn: Bob Raker, Administrative Analyst II, General Services Dept., Polk County, Iowa, Attn: Norman Jesse, Administrative Office Building. **Moved by McPherson to adopt. Motion Carried 6-1.**

97-539 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:07 P.M.**