

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

April 1, 1996

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

- (a) Fair Housing Month
- (b) Professional Secretaries Week
- (c) Days of Remembrance of the Victims of the Holocaust
- (d) Des Moines Community Development Week

**INVOCATION:** Pastor Ed Brown

St. Johns Lutheran Church

96-1186 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-1187 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

96-1188 3. APPROVING CONSENT AGENDA - items 3 through 67, **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS:

### Approving

96-1189 4. Communication from Legal Department regarding April 1, 1996 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

### Class "C" Beer Licenses

96-1190 5. Krause Gentle Corporation, W.A. Krause, President dba Kum & Go #208, 3200 Southeast 14th Street; Renewal - Expires 5-4-96 (With Sunday Sales) - Application submitted 3-6-96. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1191 6. Kwik Shop, Inc., Steve Mostrom, Operations Manager dba Kwik Shop #556, 2930 Hickman Road; Renewal - Expires 4-23-96 (With Sunday Sale) - Application submitted 3-11-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1192 7. Phrasimmaly Philauanh dba New Oriental Food Store, 515 East Grand Avenue; Renewal - Expires 4-6-96 (With Sunday Sales) - Application submitted 3-7-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### Class "E" Beer Licenses

96-1193 8. Liquor Locker, Inc., Michael R. Lindfield, President dba Liquor Locker, 520 Army Post Road; Renewal - Expires 4-14-96 (With Sunday Sales) - Application submitted 3-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### Class "C" Liquor Licenses

96-1194 9. CCKT, Inc., Nick S. Cardamon, President dba Carl's Place, 1620 Woodland; Renewal - Expires 4-17-96 (With Sunday Sales) - Application submitted 2-23-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Liquor Licenses (continued)

96-1195 10. Mills Corner Grocery Inc., Lisa M. LaValle, President dba Des Moines Art Center Restaurant, 4700 Grand Avenue; Renewal - Expires 4-25-96 (With Sunday Sales and Beer Garden) - Application submitted 3-11-96. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Daniels. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-1196 11. KC Development LC, Brian J. Krueger, President dba Fish Bowl, 3029 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 2-6-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1197 12. Canyon Man Productions, Inc., Terrence J. Montgomery, Jr., President dba Guitars & Cadillacs, 4020 Merle Hay Road; Renewal - Expires 4-11-96 (With Sunday Sales and Beer Garden) - Application submitted 3-6-96. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1198 13. Iowa Cubs Club of Des Moines, Richard L. Easter, President dba Iowa Cubs Club of Des Moines, 350 Southwest 1st Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-1-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1199 14. LC's Inc., Connie L. Bales, President dba LC's Corner, 344 Southeast Jackson; Renewal - Expires 4-4-96 - Application submitted 2-26-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1200 15. Top Bars Inc., Eric James Werner, President dba The Playground, 215 East 2nd Avenue; New Application submitted 2-8-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1201 16. Mary F. Blanchard dba Sunrise Tap, 4155 Easton Blvd; Renewal - Expires 4-2-96 (With Sunday Sales) - Application submitted 2-19-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

#### Class "E" Liquor Licenses

96-1202 17. Hy Vee Inc., Ronald D. Pearson, President dba Hy Vee Store #1, 3330 Martin Luther King; Renewal - Expires 4-28-96 - Application submitted 3-15-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1203 18. Hy Vee Inc., Ronald D. Pearson, President dba Hy Vee Store #5, 1111 Army Post Road; Renewal - Expires 4-20-96 - Application submitted 3-15-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1204 19. Hy Vee Inc., Ronald D. Pearson, President dba Hy Vee Store #3, 3221 Southeast 14th Street; Renewal - Expires 4-20-96 - Application submitted 3-15-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1205 20. Liquor Locker, Inc., Michael R. Lindfield, President dba Liquor Locker, 520 Army Post Road; Renewal - Expires 4-14-96 - Application submitted 3-13-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1206 21. Service America Corporation, John T. Dee, President dba Service America, 350 Southwest 1st Street; Renewal - Expires 4-4-96 - Application submitted 3-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Class "F" Liquor Licenses

96-1207 22. Service America Corporation, John T. Dee, President dba Service America, 350 Southwest 1st Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-14-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

96-1208 23. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-1209 24. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

## **PUBLIC IMPROVEMENTS**

25. Release of Chapter 573 Code of Iowa Claims by J&O Trucking, for the following:

96-1210 (a) Airport Terminal Apron Replacement, against Flynn Company and Economy Trucking. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1211 (b) 1995 Paving Replacement Program, against Iowa Paving Contractors and Economy Trucking Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1212 (c) Watrous Avenue Paving, against Iowa Paving Contractors and Economy Trucking Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1213 26. Approving contract and bond for Grand View and Ashby Parks Shelter Improvements, Johnson Concrete Construction, (Robert L. Johnson, Pres.) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1214 27. Communication from Johnson Concrete Construction Co., Inc. requesting permission to sublet certain items on Grand View and Ashby Parks Shelter Improvements Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1215 28. Approving Amendment to Agreement with Veenstra and Kimm, Inc. for Construction Phase Engineering Services on Northwest Airport Trunk Sanitary Sewer for an additional fixed fee of \$4,279.60. (Council Communication No. 96-142) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1216 29. Revised agreement with MidAmerican Energy for installation of natural gas services for sanitary sewer pumping stations at 4801 Army Post Road and 5301 SW 56th Street in an amount not to exceed \$10,180, (Southwest Airport trunk Sanitary Sewer Project). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1217 30. Resolution ordering construction of Seventh and Grand Parking Garage Renovation, Receiving of Bids (4-23-96), and Setting Date of Hearing, (5-6-96) - Construction Estimate - \$1,646,760. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **PUBLIC IMPROVEMENTS (continued)**

31. 1993 Paving Program No. 1, Schedule No. 1993-02:

96-1218 (a) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1219 (b) Adopting and Levying Final Schedule of Assessments, and providing for payment. **Moved by Hensley to adopt. Motion Carried 7-0.**

32. Approving completion and recommending acceptance for the following Private Construction Projects:

96-1220 (a) Sanitary Sewer Improvements to service Fenway Manor Apartment project in 1600 Block of Hull Avenue between Rhiner's Plumbing Co., Inc., Contractors, and Miller Company, Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1221 (b) Sanitary Sewer Improvements South of E. Park Avenue, to service Woodside Park Apartment located at 2201 E. Park Avenue, between Harmeyer Construction Co., Contractors, and Jerry Homes, Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1222 (c) Paving Improvements to service Lakeview Heights Subdivision, Phase 1, located at SE 34th Street and Evergreen Avenue, between Eco-Tech Contractors, Inc., Contractors, and Coldwell Banker/Mid-America Group, Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

33. Approving completion of Private Construction Contracts for the following:

96-1223 (a) Construction of entry canopy attached to existing hangar located at Des Moines International Airport between Page Avjet Airport Services, Inc., nka Signature Flight Services and The Hansen Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1224 (b) Construction of new aircraft ramp area on premises located at Des Moines International Airport and remodeling office area attached to hangar between Van Dusen Airport Service Company, Limited Partnership nka Signature Flight Services and Ringland, Johnson and Crowley Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS (continued)**

96-1225 34. Approving Private Construction Contract for median

**WITHDRAWN** modifications on Euclid Avenue to provide access to Osco Drug #488, 2821 E. Euclid Avenue between Dearborn Construction, Inc., Contractors and American Stores Properties, Inc., Owners.

96-1226 35. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Birdland Drive Storm Sewer - 2nd Avenue to 6th Avenue, Van Hauen & Associates, Inc., \$10,808.15 now due and \$23,097.75 the remaining balance to paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1227 36. Approving partial payments on two public improvement projects, (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1228 37. Approving request from Eco Tech Contractors, Inc., Contractors for the 1995 City-Wide PCC Pavement Restoration Program, for extension of time to July 31, 1996. **Moved by Hensley to receive, file and grant the extension of time to July 31, 1996. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

96-1229 38. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of March 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1230 39. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule as certified to Des Moines Water Works for March, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1231 40. Authorizing Assessment Clerk to delete paving assessments and deficiency balances for Lt 34 Crawford Place (see roll call for amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

41. Items regarding Affordable Home Ownership Program, (Council Communication No. 96-138):

96-1232 (a) Inclusion of six City-owned Municipal Housing Agency Properties. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1233 (b) Conveyance of City-owned Municipal Housing Agency Property; 4033 First Street to Lucille Furnish. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**WITHDRAWN** 42. Approving subdivision plat entitled TORI'S ADDITION, located in vicinity of SE 17th Street and Glenwood Drive, to be developed by R.M. Madden Construction, Inc.

96-1234 43. Approving the donation of two parcels of land at 323 East Fulton Drive to the City from the South Des Moines Little League, Inc. for incorporation into Irving Stone Park - \$52 in recording fees. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1235 44. Offer to purchase Real Estate and Acceptance and Warranty Deed in conjunction with the Iowa Air National Guard airport expansion under the Master Plan Update from Loffredo Gardens, Inc., 4525 SW 34th Street - \$1,602,783.20. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-1236 45. Offer to purchase Real Estate and Acceptance and Warranty Deeds in conjunction with the Airport Master Plan from Kathleen Sue Jones, Jennifer Sue Jones, Cara Jill Jones and Nicholas Critelli, III, 3130 Army Post Road - \$75,243.20. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1237 46. Temporary Construction Easement and a Permanent Easement from Peters Pleasant Hill Operations, L.C. for \$1.00 in connection with the construction of the Four Mile Creek Greenway Trail, vicinity of E. University and Four Mile Creek. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

96-1238 47. Nomination recommendation of Council Member At-Large, George E. Flagg for appointment of Kenneth William Hall to the Des Moines Access Advisory Board for a four-year



term to expire June 15, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **BLOCK PARTIES**

96-1239 48. Authorizing closure of the following:

(1) Grand View College, 1200 Grandview Avenue, requesting permission to close Grandview Avenue, from E. 9th Street to E. 13th Street (Valborg Nursing Home will have access in and out), Friday, April 12, 1996, from 11:00 A.M. to 1:00 P.M. Carnival Celebration. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(2) Lincoln High School, 2600 SW 9th Street, requesting permission to close West lane of SW 9th (Valet Parking) from Bell Avenue to Loomis Avenue, Saturday, April 27, 1996, from 10:00 P.M. to 12:30 A.M. Senior Class All Night Activity. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

(3) Beth Hock, 3705 SE 21st Ct., requesting permission to close SE 21st Ct., the 3700 Block of SE 21st Ct., Saturday, June 8, 1996, from 2:00 P.M. to 8:00 P.M. Block Party. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(4) Downtown Farmers Market, 601 Locust Street, Suite 100-B, requesting permission to close Court Avenue from 5th Avenue to Third Street and Fourth Street from Walnut Street south to the railroad tracks by Depot Street. May 11 thru October 26, 1996, Every Saturday, from 7:00 A.M. (block streets beginning at 5:00 A.M.) to 12:00 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

49. Directing the advertisement for sale of General Obligation bonds for the following:

96-1240 (a) \$12,500,000, Series 1996C, (4-22-96). **Moved by Flagg to adopt. Motion Carried 7-0.**

96-1241 (b) \$57,250,000, Series 1996D, (refunding bonds), (4-22-96). **Moved by Flagg to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS (continued)**

96-1242 50. On application from Richard Hurd, Hurd Real Estate Services, Inc., to rezone property in the 7501 block of U.S. Highway 65/69 (Southglen Village Shopping Center, Phase 2) from a "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway-Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan., (4-15-96). **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1243 51. On application from Rick Kading, to rezone property in the vicinity of 1820 Williams Court, from a "U-1" (Flood Plain District) to a Limited "R-2" (One and Two Family Residential District), and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-15-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1244 52. On vacation and conveyance of public park property in Ashby Park, vicinity of 4001 Ashby, to Stephen L. M. Swan, for \$2,322 plus costs, (4-15-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1245 53. On Amendment/Supplement No. 16 to FAA Master Site Lease, for installation of a Precision Approach Path Indicator Facility to replace existing Visual Approach Slope Indicator Site, for Runway 31R, (4-15-96). (Council Communication No. 96-134). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

96-1246 54. Approving payment in amount of \$44,026.80 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 Vlassis to approve payment. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1247 55. Acceptance of payments totaling \$39,782.54 as full and final satisfaction for damages to City-owned property. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1248 56. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

96-1249 57. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 96-137). **Moved by Vlassis to receive, file and refer to Legal department for preparation of proper legislation. Motion Carried 7-0.**

96-1250 58. Regarding City of Des Moines Legislative Update of Seventh-Sixth Iowa General Assembly, (report to be distributed Monday). **Moved by Vlassis to receive and file attached report. Motion Carried 7-0.**

## **APPROVING**

96-1251 59. Evidence of Financing and Final Design Plans, Moss Development L.C. and The Pace Company, Inc., for Phase II of Disposition Parcel No. 32 (1901 Guthrie Avenue) Guthrie Avenue Business Park Urban Renewal Area, (Council Communication No. 96-141). **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1252 (a) Setting Date of Hearing for Water Line Easement across City-owned property, Guthrie Avenue Business Park Urban Renewal Area, (4-15-96). **Moved by Vlassis to approve. Motion Carried 7-0.**

60. Project Work Program and Terms and Conditions for CDBG Funding (January 1 thru December 31, 1996), administrated by City Departments, for the following:

96-1253 (a) Police Athletic League, \$25,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1254 (b) COPS AHEAD Project , \$54,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1255 (c) Enterprise Community Project, \$56,250. **Moved by Vlassis to adopt. Motion Carried 7-0.**

61. Grant applications for the Des Moines Police Department to the Governor's Alliance on Substance Abuse for the following:

96-1256 (a) Continuation of Crime Free Multi-Housing Program in the amount of \$59,883 with a federal share of \$44,912 and matching share by the City of \$14,971, (Council Communication No. 96-144) **Moved by Vlassis to adopt. Motion Carried 7-0.**

**APPROVING (continued)**

96-1257 61. (b) Continuation of Anti-Gang Unit in the amount of \$140,317 with a federal share of \$105,238 and matching share by the City of \$35,079, (Council Communication No. 96-145) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1258 62. License and Areaway permits for Tran-Sit Bench Company, 765 Foster Drive, for 208 benches/\$15 each, and Annual License of \$270. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1259 63. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1260 64. Authorizing Finance Director to draw warrants on registers of April 5, 1996 and April 12, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning April 1, 1996 and April 8, 1996, and the biweekly payroll due employees on April 12, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

96-1261 65. Amending Chapter 15 of the Municipal Code regarding Birdland Park Marina Moorage rates. **Moved by Vlassis that this ordinance do now pass. #13,321. Motion Carried 7-0.**

96-1262 66. On vacation of north/south alley in vicinity of Seventh and Center Streets, (Des Moines Metropolitan Transit Authority). **Moved by Vlassis that this ordinance do now pass. #13,322. Motion Carried 7-0.**

96-1263 (a) Resolution amending prior approval of sale of alley to the Metropolitan Transit Authority, until such time as City receives satisfactory evidence that it will be able to commence and complete construction of a parking garage on the alley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1264 67. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Repeal of Parking restriction on east side of SW 61st Street from Welker to Edwards; allow parking on the Cul-de-Sac on 39th Street south of Adams after 5:00 P.M.; request of handicapped spaces at 111-10th Street, 1148 Polk Blvd, and on the south side of University west of Polk Blvd. **Moved by Vlassis that this ordinance do now pass, #13,323. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

96-1265 68. Amending the Municipal Code to accommodate dancing, music and coin-operated gaming activities after 2:00 A.M., by special permit, subsequent to Council approval. **Moved by Vlassis to DENY--Ordinance does not pass. Motion Carried 6-1. Pass: Flagg.**

96-1266 (a) Petitions and related documents submitted by Larry Smithson, regarding dancing, music and games after 2:00 A.M. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

**\*\*Council considered Items 79 and 80 next\*\***

**HEARINGS (Opened at 5:30 P.M.) (Items 69 thru 78)**

96-1267 69. On Asphalt Stabilization Schedule No. 1996-39: **Moved by Phillips to amend as set out below and adopt all objections filed having been fully considered and are hereby overruled-delete E. Sheridan from E. 42nd to East City Limit. Motion Carried 6-1. Absent: Vlassis.**

96-1268 (a) Resolution of necessity. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

APPROVED (b) E. 33rd Court from E. University to Sims Drive.

APPROVED (c) Arthur Avenue from E. 23rd to E. 24th.

APPROVED (d) Arthur Avenue from E. 25th to Lay Street.

APPROVED (e) Dubuque Avenue from Hubbell to E. 24th.

APPROVED (f) Dubuque Avenue from E. 37th to E. 41st.

96-1269 (1) Communication in objection. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Vlassis.**

DELETED (g) E. Sheridan from E. 42nd to E. City Limits.

96-1270 (1) Petition in objection. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Vlassis.**

APPROVED (h) Sims Drive from E. 33rd Court to E. 35th.

APPROVED (i) E. Washington Avenue from E. 23rd to Lay.

APPROVED (j) SE 26th Court from CB&Q Street to E. Railroad.

## **HEARINGS (continued)**

96-1271 70. On Asphalt Stabilization Schedule No. 1996-40: **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

96-1272 (a) Resolution of necessity. **Moved by Phillips to adopt, and all objections filed having been fully considered and are hereby overruled. Motion Carried 6-1. Absent: Vlassis.**

APPROVED (b) E. 21st from E. Grand to Des Moines Street.

APPROVED (c) Dixon from Lyon to Maple.

APPROVED (d) SE 3rd from Raccoon to Allen.

APPROVED (e) SE 8th from Raccoon to Scott

APPROVED (f) SE 9th from 50' South Elm to Allen.

96-1273 (1) Communication in objection. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Vlassis.**

APPROVED (g) SE 9th Street from Allen to Scott.

APPROVED (h) SE 10th Street from Raccoon from Allen.

APPROVED (i) SE 14th Court from Scott to Maury.

APPROVED (j) Vale Street from SE 6th to SE 10th.

96-1274 71. On issuance of General Obligation bonds for \$9,295,000, Essential Corporate Purpose-provide funds to pay costs of 95-96 Capital Improvements Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1275 (a) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-1276 72. On issuance of General Obligation bonds for \$61,000,000, Essential Corporate Purpose-to pay costs of refunding certain outstanding bonds, and to continue to 4-15-96. **Moved**

**by Vlassis to continue the hearing to April 15, 1996 at 5:30 P.M. Motion Carried 6-1.  
Absent: McPherson.**

### **HEARINGS (continued)**

96-1277 73. On application from John Clarke of Clarke Companies, to rezone property at 2801 Fleur Drive from Ltd. "C-0", to an amend Limited "C-0", and to further continue hearing to allow applicant to amend the area proposed to be rezoned and directing that new notice of rezoning be given. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: McPherson. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1278 74. On application from John Clarke of Clarke Company, to rezone property in the 2800 block of Druid Hill Drive, from "R-1" and Ltd. "C-0" and "PUD", to a "PUD", and amendment to PUD Conceptual Plan entitled Druid Hill Townhomes, and to further continue hearing to allow applicant to amend the area proposed to be rezoned and directing that new notice of rezoning be given. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: McPherson. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1279 75. On application from Aviation Department, to rezone property at 2305 McKinley from "R1-80" (One Family Residential) and "C-2" (General Retail and Highway Oriented Commercial) and Ltd."M-3" (Limited Industrial District), to Ltd. "M-3". **Moved by Hensley to adopt. Motion Carried 7-0.**

96-1280 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1281 76. On vacation and conveyance of public right-of-way in vicinity of E. 29th and Easton Blvd., to Jan W. and Joanne K. Metheny, \$100, and to Esther M. Mills, \$25. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-1282 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-1283 77. On proposed conveyance of property in the vicinity of 63rd and Carpenter, to the State of Iowa, for expansion of the 63rd Street (Highway 28) right-of-way, (corrects error in legal description--Roll Call 95-4566). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **HEARINGS (continued)**

96-1284 78. On conveyance of public right-of-way in vicinity of Euclid Avenue and Martin Luther King Jr. Parkway, to the State of Iowa, for widening of Euclid Avenue (Highway 6). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

**\*\*Council considered Item 81 thru end of agenda next\*\***

## **CITY MANAGER RECOMMENDATIONS**

96-1285 79. Authorization to proceed on Martin Luther King, Jr. Parkway - S. W. 5th Street Storm Sewer, which is included in the 1995-1996 Capital Improvements Program. (Council Communication No. 96-136). **Moved by Hensley to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 96-136. Motion Carried 7-0.**

## **APPROVING**

80. The following items regarding Meredith Corporation Expansion Project:

96-1286 (a) Resolution to approve, execute and deliver Special warranty Deed for conveyance of Disposition Parcel No. 7D (vacated 16th Street). **Moved by Hensley to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1287 (b) Acquisition of property interests by eminent domain condemnation proceedings-- Disposition Parcel 7C, Riverfront Capitol-Center Development Area Urban Renewal Project. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1288 (c) Acceptance of corrected Warranty Deed correcting legal description for Riverpoint Capitol Center Development Area, Acquisition Parcel 7-A (Meredith Project). (Council



Communication No. 96-140) **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Hearing Items 69 thru 78 next\*\***

### **APPROVING (continued)**

96-1289 81. Documents regarding State of Iowa Community Economic Betterment Account (CEBA) Loan-\$65,000, and City of Des Moines Loan-\$65,000, to OPIS Corporation, 1101 Walnut, for expansion and related activities. (Council Communication No. 96-139) **Moved by Vlassis to approve. Motion Carried 7-0.**

96-1290 82. Execution of joint cooperative agreement for training Firefighters and Emergency Medical Personnel, with West Des Moines. (Council Communication No. 96-135) **Moved by Phillips to adopt. Motion Carried 7-0.**

83. The following items regarding the YMCA adjacent to the Police Academy, (Council Communication No. 96-143):

96-1291 (a) Termination of existing lease agreement with YMCA of Greater Des Moines--parcel adjoining Police Academy. **Moved by Phillips to adopt. Motion Carried 5-1. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1292 (b) Setting Date of Hearing on lease agreement with YMCA of Greater Des Moines for 11.22 acre parcel adjoining Police Academy, (4-15-96). **Moved by Phillips to adopt. Motion Carried 5-1. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1293 (c) Setting Date of Hearing on sale of city property to Clarke Company, Ltd, for Private Development, 9.05 acres, (4-15-96). **Moved by Phillips to adopt. Motion Carried 5-1. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-1294 (d) Consent to application by Clarke Company Ltd, for preliminary plat approval. **Moved by Phillips to adopt. Motion Carried 5-1. Pass: Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

### **COMMUNICATIONS/REPORTS**

96-1295 84. From Ronald G. Carr regarding Citizen Participation and "All American City". **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-1296 85. From Larry Smithson regarding exemptions to allow patrons under 21 in bars. **Moved by Vlassis to receive and file; refer concerns to City Manager and Legal for response regarding eligibility for exemption certificates. Motion Carried 7-0.**

#### **COMMUNICATIONS/REPORTS (continued)**

96-1297 86. From Quality Wine Company, regarding its interest in constructing a building in the Guthrie Avenue Business Park. **Moved by McPherson to receive, file and refer to the City Manager for action, as appropriate. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

#### **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.**

96-1298 1. Request of Blueberry Plastic Mill Corporation, to speak regarding sale of the company's assets. SPONSOR: McPherson. **Moved by Vlassis to grant the request to waive the lien if known/present buyers (Engineered Plastics Components, Inc., or Rainforest Polymers LLC, a North Carolina Limited Liability Company) are successful, at prices offered. Motion Carried 6-1. Nays: Flagg.**

**\*\*Council Member Hensley left the meeting at 6:40 P.M.\*\***

96-1299 2. Oral request of Council Member Mike McPherson to discuss flooding at 1213 E. 37th Court. **Moved by McPherson to receive, file, discuss and approve expedition of the Notice to Abate Nuisance process; City Manager and Legal to keep Mrs. McFadden, Mayor Davis and Council Member McPherson apprised of progress on this issue. Motion Carried 6-1. Absent: Hensley.**

3. Request of Council Member George E. Flagg, to discuss the following:

96-1300 (a) Early Retirement Program. **Moved by Flagg to receive, file, discuss and refer to City Manager for a report. Motion Carried 5-2. Absent: Daniels and Hensley.**

96-1301 (b) Sewer Fund of \$30 Million. **Moved by Flagg to receive, file and discuss; refer to City Manager for a report at the April 15 Council meeting. Motion Carried 5-2. Absent: Daniels and Hensley.**

96-1302 (c) Information regarding bonds, Metro Transit ride program. **Moved by Vlassis to receive, file, discuss and refer to City Manager Motion Carried 5-2. Absent: Daniels and Hensley.**

**EXTRA ITEMS (continued)**

96-1303 4. Appointment of Carol J. Moser, as Attorney IV, to fill vacancy,(effective March 25, 1996). SPONSOR: Hensley. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and Hensley.**

5. Recommendation of Council Member Vlassis, for reappointments of the following:

96-1304 (a) William Pearce, to the Access Advisory Board, four-year term to expire June 15, 2000. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1305 (b) H.R. "Dick" Hoffa, to the Building Code Board of Appeals, two-year term to expire April 6, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1306 (c) LeRoy Brown, to the Zoning Board of Adjustment, five-year term to expire April 4, 2001. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Hensley.**

96-1307 (d) Jeanette Woods, to the Urban Renewal Board, three-year term to expire January 18, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1308 (e) David Miller, to the Mechanical Board of Examiners, two-year term starting in 1995, to expire April 6, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1309 (f) Jacqueline Jennings, to the Citizen Odor Board, three-year term starting in 1995, to expire April 5, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1310 (g) Nolden Gentry, to the Skywalk Commission, three-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1311 6. Oral request of Richard Lovejoy and others, to speak regarding Evelyn Davis Park. SPONSOR: Council Member Daniels. **Moved by Vlassis to receive, file and grant the request to speak; refer to Council Sub-Committee for review. Motion Carried 6-1. Absent: Hensley.**

## **EXTRA ITEMS (continued)**

96-1312 7. Recommendation of Council Member McPherson, to appoint Marty Mauk to the Zoning Board of Adjustment, five-year term to expire April 4, 2001. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

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

### **BOARD OF HEALTH**

**April 1, 1996**

96-1313 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Hensley.**

## **COMMUNICATION**

96-1314 1. Communication regarding demolition cost reserve escrowed for 1914 - 8th. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty day of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Hensley.**

## **AUTHORIZING**

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

96-1315 (a) 330 E. Creston (vacant) TITLEHOLDERS/LANDLORDS: Wayland B. Heath and Helen G. Heath; LEGAL INTEREST HOLDERS: RTL Partners, c/o Municipal Tax Liens, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1316 (b) 324 Forest (vacant) TITLEHOLDER: Dorothy Bubany; CONTRACT BUYERS/LANDLORDS: Michael R. Darr & Anna M. Darr. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

96-1317 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:10 P.M. Motion Carried 6-1. Absent: Hensley.**