

SUMMARY OF DES MOINES CITY COUNCIL MEETING

August 5, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) International Clown Week
- (b) National Night Out

INVOCATION: Pastor Bruce Wittern

Easton Place United Methodist Church

96-2677 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-2678 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2679 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

SPECIAL PRESENTATION - 4:30 P.M.:

96-2680 I. Official Welcome for Stavropol guests--Introduction and comments by Mikhail Kuzmin, Mayor of the City of Stavropol, Russia. **Moved by McPherson to extend our official welcome and appreciation. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-2681 4. Communication from Legal Department regarding August 5, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

96-2682 5. Peggy's Corporation, James Scheetz, President dba Peggy's Cafe & Tavern, 3020 Forest Avenue; Renewal - Expires 8-15-96 (With Sunday Sales) - Application submitted 7-12-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2683 6. Oakmoor, Inc., Ronald O. Burns, President dba Oakmoor Racquet Ball & Health Center, 4731 Merle Hay Road; Renewal - Expires 8-19-96 (With Sunday Sales) - Application submitted 7-17-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2684 7. Michael C. Young dba Tsing Tsoo Chinese Food, 2231 East University; Renewal - Expired 8-4-96 (With Sunday Sales) - Application submitted 7-12-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2685 8. Sing Lem dba Vienlatry, 2457 East Grand; Renewal - Expires 8-10-96 (With Sunday Sales) - Application submitted 6-26-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Beer Licenses

96-2686 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #26, 2140 East Park Avenue; Renewal - Expires 8-10-96 (With Sunday Sales) - Application submitted 7-10-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2687 10. Robert Knudson dba Knudson's Valley Bait & Grocery, 2248 Valley Drive; Renewal - Expires 8-20-96 (With Sunday Sales) - Application submitted 7-9-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2688 11. Kwik Shop, Inc., Steven Mostrom, District Manager dba Kwik Shop #553, 101 Southeast Army Post Road; Renewal - Expires 8-28-96 (With Sunday Sales) - Application submitted 7-18-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "E" Beer Licenses

96-2689 12. JNJ Management Corp., Jean Mathis, President dba Oasis Wine & Spirits, 1401 Buchanan; Renewal - Expires 8-17-96 (With Sunday Sales) - Application submitted 7-12-96. **Moved by McPherson to adopt. Motion Carried 4-3. Nays: Daniels, Hensley and Vlassis.**

96-2690 (a) Oral request of Council Members McPherson and Daniels, to discuss regulation of liquor license establishments and a possible conditional use permit to be placed upon these establishments to accompany the facility; separate from the liquor license. **Moved by McPherson to refer to Legal department for review and a recommendation in thirty (30) days. Motion Carried 6-1. Pass: Vlassis.**

96-2691 13. QuikTrip Corp., Chester Cadieux, President dba QuikTrip #527, 1215 6th Avenue; Renewal - Expires 9-20-96 (With Sunday Sales) - Application submitted 7-1-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "B" Wine Licenses

96-2692 14. Embassy Club, Daniel M. Voecks, President dba Embassy Club, 801 Grand Avenue - Suite 4000; Renewal - Expires 7-19-96 - Application submitted 6-13-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "A" Liquor Licenses

96-2693 15. Embassy Club, Daniel M. Voecks, President dba Embassy Club, 801 Grand Avenue - Suite 4000; Renewal - Expires 7-19-96 (With Sunday Sales) - Application submitted 6-13-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Liquor Licenses

96-2694 16. Brook Smith dba El Patio, 611 37th Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 7-15-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2695 17. Los Compadres, Inc., Raymond Quijano, President dba Los Compadres, 1440 Maury Street; Renewal - Expires 8-15-96 (With Sunday Sales) - Application submitted 6-26-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2696 18. FJY, Inc., Joseph S. Yacavona, President dba Pal Joey's, 6224 Grand Avenue; Renewal - Expires 8-31-96 - Application submitted 7-17-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "E" Liquor Licenses

96-2697 19. JNJ Management Corp., Jean Mathis, President dba Oasis Wine & Spirits, 1401 Buchanan; Renewal - Expires 8-17-96 - Application submitted 7-11-96. **Moved by McPherson to adopt. Motion Carried 4-3. Nays: Daniels, Hensley and Vlassis.**

Authorizing

96-2698 20. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Beer Gardens

96-2699 21. Approving temporary beer garden application from James P. Lynch dba 801 Steak & Chop House, 801 Grand Avenue - Suite 200; Application submitted 4-19-96 for event to be held 8-23-96 (Rain Date 9-6-96) on patio at 801 Grand Avenue. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Refunds

96-2700 22. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

96-2701 23. Approving Release of Chapter 573 Code of Iowa claims by EFCO-Economy Forms Corp., for University Avenue/Saylor Road Storm Sewer, against Craig L. Perrin Co. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

24. Resolution Ordering Construction of the following:

96-2702 (a) East Side Traffic Signal Upgrading Project (IDOT), Receiving of Bids, (8-20-96), and Setting Date of Hearing, (8-26-96), (Construction Estimate - \$150,100). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2703 (b) Fire Station No. 2 Reroofing, Receiving of Bids, (8-20-96), and Setting Date of Hearing, (8-26-96), (Construction Estimate - \$55,300). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2704 (c) Saylorville Recreational Trail Lighting Near the Botanical Center, Receiving of Bids, (8-20-96), and Setting Date of Hearing, (8-26-96), (Construction Estimate - \$40,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-2705 24. (d) Birdland Pool Amenities, Receiving of Bids, (8-27-96), and Setting Date of Hearing, (9-3-96), (Construction Estimate - \$550,250). **Moved by McPherson to adopt. Motion Carried 7-0.**

25. E. Clinton Avenue Sanitary Sewer - E. 31st Street to E. 33rd Street:

96-2706 (a) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2707 (b) Adopting and Levying Final Schedule of Assessments, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2708 (c) Approving payment to McAninch Corporation, \$9,565.47 to be paid at this time, and \$6,201.15 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2709 26. Approving Agreement with Iowa DOT for E. University Avenue

WITHDRAWN Beautification Project, estimated project amount \$455,000 funded by ISTEA Enhancement Funds and CDBG grant. (Council Communication No. 96-322). **Council discussed the need to tighten regulation of Transient Vendors, to show proof of permission to utilize potential properties to conduct sales.**

96-2710 27. Approving Agreement with Veenstra & Kimm, Inc. for Engineering Design Services on Southwest Outfall Relief Sewer Phase 1, in amount not to exceed \$105,070.40. (Council Communication No. 96-330). **Moved by Daniels to adopt. Motion Carried 7-0.**

96-2711 28. Agreement with Brown and Caldwell for Engineering Services in connection with Sanitary Sewer Hydrogen Sulfide Study in an amount not to exceed \$26,122.40 actual cost and \$1,842.24 fixed fee. (Council Communication No. 96-328) **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2712 29. Addendum to Preconstruction Agreement with Iowa DOT for

WITHDRAWN reconstruction of E. Euclid Avenue (U.S. 6)/Delaware Avenue Intersection. (Council Communication No. 96-321) **Council requested that affected businesses be notified of traffic re-routing 2 month prior to the start of construction.**

96-2713 30. (Revised) Agreement with U.S. Department of Interior Geological Survey for joint funding agreement for six gaging stations (see Roll Call for list) for period October 1, 1996 to September 30, 1997, in amount of \$18,019.99. (Council Communication No. 96-335). **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-2714 31. Second Amendment to engineering agreement with Veenstra & Kimm, Inc. for Additional Geotechnical Investigation on Northwest Airport Trunk Sanitary Sewer, in amount not to exceed \$5,000. (Council Communication No. 96-331) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

96-2715 (a) SW 9th Street Storm Pump Station at Raccoon River Levee, Cramer and Associates, Inc., \$56,304.40 the remaining balance to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2716 (b) Ashby Park Storm Sewer Repair, Corell Contractor, Inc., \$1,353.14 the remaining balance to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2717 (c) Southern Hills Ditch Improvements, The Underground Company, Ltd., \$1,154.05 the remaining balance to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2718 (d) 63rd Street & University Avenue Widening Demolition, Contract 1, Hopkins Trucking and Excavating, \$13,818.70 is now due and remaining balance of \$3,908.05 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2719 (e) E. Euclid Avenue & Delaware Avenue ROW Demolition, LA Company, \$7,589.55 is now due and remaining balance of \$399.45 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

33. Contract and Bond for the following:

96-2720 (a) 1996 Sidewalk Replacement Program for intersection modifications at E. 7th and Fremont Streets and reconstruction of PCC sidewalks at various locations with Johnson Concrete & Petroleum Construction,--\$142,727. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2721 (b) 1996 Stormwater Intake Repair for removal and replacement of stormwater intakes at various locations with Eco-Tech Contractors, Inc., in amount of \$86,900. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2722 (c) East-Side Interceptor Reconstruction Phase 1 for sanitary sewer construction with Van Hauen & Associates, Inc., in amount of \$990,140. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-2723 34. Change Order No. 2 with Johnson Concrete Construction Co., Inc. for additional work in conjunction with the Grand View and Ashby Parks Shelter Improvements Contract - \$15,932.85. (Council Communication No. 96-323). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2724 35. Approving partial payments on five public improvement projects. (See roll call for list and funding availability). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2725 36. Communications from various contractors requesting permission to sublet certain items on two public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2726 37. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by six property owners, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-2727 38. Resolution levying assessments for cost of Nuisance Abatement-NAC-Community Development, Schedule No. 1997-36 and providing for payment thereof. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2728 39. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of July, 1996, for Certification to Polk County Treasurer (see roll call for amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2729 40. Authorizing Assessment Clerk to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits for July, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2730 41. Authorizing Assessment Clerk to correct Sewer Rental and Solid Waste Charges, which were charged to 3315 7th Street at a duplex rate and should have been charged as a single family dwelling, (see roll call for amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

42. Temporary Easement for Construction and Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 6 (East Euclid Avenue) and Delaware Avenue Intersection Improvement, from:

96-2731 (a) Michael A. and Mildred I. Macri and United States Postal Service, 3423 Delaware Avenue - \$761. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2732 (b) J J M Properties and McElhaney Motors, 2211 E. Euclid Avenue - \$2,033. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2733 (c) William C. Knapp Revocable Trust and Midas Muffler, 2115 E. Euclid Avenue - \$1,801. **Moved by McPherson to adopt. Motion Carried 7-0.**

43. Lease of excess city-owned properties to the following:

96-2734 (a) SW 9th Street and Bell Avenue to QuikTrip Corporation for a period of three years at annual rental of \$910. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2735 (b) 6223 University Avenue to Corell Contractor, Inc. for a period not to exceed 18 months at annual rental of \$1,800. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-2736 44. Communication from Jerry Overman submitting his resignation from the Citizen Odor Board, effective immediately. **Moved by McPherson to receive, file and accept with regret. Motion Carried 7-0.**

45. Nomination recommendations from Council Member Mike McPherson, Ward II to various City Boards and Commissions:

96-2737 (a) Appointment of Jerry Overman to the Neighborhood Advisory Board (NAB) for a three-year term to expire April 5, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2738 (b) Appointment of A. Joyce Smith to the Greater Des Moines Sister City Commission to fill unexpired term of Fred Anderson to expire April 28, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

BLOCK PARTIES

96-2739 (1) Bob Cochran, 4034 Ardmore Road, requesting permission to close Ardmore Road, from Shawnee Place to Aurora Avenue, on Saturday, August 10, 1996 from 4:00 P.M. to 10:00 P.M. Rain date: September 17, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

(2) Cheryl Sloniger, 4542 51st Street, requesting permission to close 51st Street, from 4542 51st Street to Dead End on Saturday, August 17, 1996 from 4:00 P.M. to 9:00 P.M. Rain date: August 24, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

(3) Tim Quick, 2605 45th Street, requesting permission to close 45th Street, from Holcomb Avenue to Beavercrest Drive, on Sunday, August 18, 1996 from 3:00 P.M. to 9:00 P.M. Rain date: August 24, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

(4) Connie Kauzlarich, 2407 46th Street, requesting permission to close 46th Street, from Hickman Road to Holcomb Avenue on Saturday, August 24, 1996 from 5:00 P.M. to 11:00 P.M. Rain date: September 7, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

(5) Linda Bisignano, 3610 6th Avenue, ratifying request for permission to close 6th Avenue, from Clinton Avenue to Euclid Avenue, on Saturday, August 3, 1996 from 4:00 P.M. to 9:00 P.M. **Moved by McPherson to adopt. Motion Carried 7-0.**

(6) Bobby King, 1307 8th Street, requesting permission to close Indiana Avenue, from 7th Street to 8th Street, on Saturday, August 24, 1996 from 11:00 A.M. to 5:00 P.M. **Moved by McPherson to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-2740 47. On request from Thomas R. Zucker, for voluntary annexation of property at 1335 NE 50th Avenue, vicinity of NE 50th Avenue and NE 14th Street, and application to rezone property from "A-1" (Agricultural District) it will automatically receive upon annexation to a "C-2" (General Retail and Highway Oriented Commercial), (8-19-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2741 48. On proposed termination of the Capitol Park Urban Renewal Project, (area bounded by Buchanan and Walker on the North, I-235 on the South, East Ninth on the East, and Pennsylvania Avenue on the West), (8-19-96). **Moved by McPherson to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS (continued)

49. NUMBER NOT USED.

WITHDRAWN 50. On amendment to the Des Moines Zoning Ordinance regarding sign regulation in the "C-3" Central Business District Commercial District, to permit larger wall sign on buildings which front onto Court Avenue, west of the Des Moines River, (8-26-96).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-2742 51. Worker's Compensation claim for Frank A. Uhlman III, Engineering Technician for aggravated previous back injury in the course of his employment. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Vlassis.**

CITY MANAGER COMMUNICATIONS

96-2743 52. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-316) **Moved by Hensley to receive, file and refer to Legal Department of preparation of proper legislation. Motion Carried 7-0.**

APPROVING

96-2744 53. Work Program and Terms and Conditions for Community Development Department to carry out the Neighborhood Conservation Strategy Project, \$1,155,135 in 1996 CDBG Funds and \$763,500 in 1996 HOME funds, January 1 thru December 31, 1996, and approval of the Neighborhood Conservation Services Project Handbook, (as amended); continued from July 22, 1996. (Council Communication No. 96-337) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2745 54. Form of contract documents, for HOME Disaster Relief Program, new construction program to replace up to 50 single family homes on the current inventory of vacant lots, (continued from 7-22-96). (Council Communication No. 96-338) **Moved by Vlassis to approve. Motion Carried 7-0.**

APPROVING (continued)

55. The following contracts with Iowa Department of Human Rights/Division of Community Action Agencies for low-income persons:

96-2746 (a) Weatherization and energy related assistance for June 1, 1996 through March 31, 1997 in an amount of \$136,009. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2747 (b) Weatherization and energy related assistance for July 1, 1996 through April 30, 1997 in an amount of \$83,158. **Moved by McPherson to adopt. Motion Carried 7-0.**

56. Quarterly Activity Reports, April 1 thru June 30, 1996, for the following:

96-2748 (a) Emergency Community Services Homeless Grant Program (EHP). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2749 (b) Community Services Block Grant Program, (CSBG). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2750 57. Contract with Des Moines Independent Community School District, to carry out the Moulton/King Educational Enhancement Programs Project, \$2,500 in 1996 Community Development Block Grant Funds, January 1 thru August 30, 1996. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-2751 58. Finding of no significant impact on annexation proposal submitted by the City Clerk of the City of Johnston; territory in the vicinity of Northwest 100th Street and Northwest 70th Avenue. **Moved by McPherson to receive and file the communication from the City of Johnston. Motion Carried 7-0.**

59. The following actions regarding Quality Wine Company, Inc., Disposition Parcel No. 31A-Guthrie Avenue Business Park Urban Renewal Area (Thompson Avenue east of DeWolf Street, 2001 DeWolf), 2001 Partnership L.L.C. (Council Communication No. 96-336):

96-2752 (a) Agreement to purchase land for private redevelopment. **Moved by McPherson to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2753 (b) Assignment of Redeveloper's interest in the agreement to purchase land for private redevelopment. **Moved by McPherson to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

APPROVING (continued)

96-2754 59. (c) Evidence of Financing and Final Design Plans. **Moved by McPherson to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2755 (d) Execute and Deliver Special Warranty Deed and provide payment of Real Estate Broker Commission. **Moved by McPherson to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2756 (e) Documents regarding a forgivable loan-\$125,000. **Moved by McPherson to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2757 60. Certificate of partial completion for Disposition Parcel No. 19A (1801 Thompson Avenue) Guthrie Avenue Business Park Urban Renewal Area, to Frederick C. James, and partial release of Good Faith Deposit. (Council Communication No. 96-320) **Moved by McPherson to approve. Motion Carried 7-0.**

96-2758 61. Certificate of Completion for Disposition Parcel No. 151A (1367 E. Stewart Street) Logan Rehabilitation/Redevelopment Urban Renewal Area, to Cris Conner, and Release of Good Faith Deposit. (Council Communication No. 96-319) **Moved by McPherson to approve. Motion Carried 7-0.**

62. The following personnel items:

96-2759 (a) Civil Service Entrance List for Intermediate Clerk. **Moved by McPherson to approve. Motion Carried 7-0.**

96-2760 (b) Civil Service Entrance List for Identification Technician. **Moved by McPherson to approve. Motion Carried 7-0.**

96-2761 (c) Revised job classification of Firefighter (corrected to read Range 20). **Moved by McPherson to adopt. Motion Carried 7-0.**

63. Bids for the following:

96-2762 (a) Ardick Equipment Co., Inc., (Johnston, Jack C. Miles, President) for galvanized steel square sign posts to be used by the Traffic and Transportation Department, \$16,650 (Eight bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-2763 63. (b) Tri-State Turf and Irrigation, (Bettendorf, Hugh A. Stafford, President) for five (5) turf sprayers to be used by the Park and Recreation Department, (Laurel Hill Cemetery, Ewing Park, Union Park, Greenwood Park and Pioneer Park), \$29,711. (Ten bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2764 (c) Various kinds of ammunition to be used by the Police Department at the Police Academy. (Ten bids mailed-seven received). (See roll call for vendors and price breakdowns). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2765 (d) Mobile radio communications equipment to be used by the Engineering Department (Wastewater Reclamation Facility) from Motorola Communications and Electronics, Inc., (Schaumburg, IL), State of Iowa Contract 1199F. \$16,237.77 (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2766 64. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2767 65. Authorizing Finance Director to draw warrants on registers of August 9, 1996 and August 16, 1996; bills of the Des Moines Municipal Housing Agency for week beginning August 12, 1996 and the biweekly payroll due employees on August 16, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-2768 66. On renaming a portion of SW McKinley Avenue west of relocated Iowa Highway 28, to Browns Woods Drive. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-2769 (a) Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes for Browns Woods Drive, (to reflect name change). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Hearing Items 69 thru 77 next****

ORDINANCES - FIRST CONSIDERATION

96-2770 67. Amending Chapter 27 of the Municipal Code regarding request for reduction in corner clearance on the north side of Kingman Blvd. east of Polk Blvd; request for one-sided parking restriction on the east of side of SE Ninth Street between Scott Avenue and the Des Moines River; and request for installation of stop signs at the intersection of 15th Street and Seneca Avenue. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-2771 68. Amending Chapter 2 of the Municipal Code regarding issuance of certifications of appropriateness and notice to proceed for alteration to designated landmarks and historic districts, (five-year code update). **Moved by Hensley to that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 78 thru end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 69 thru 77)

96-2772 69. On sale of excess property in vicinity of 4418 University Avenue, to Mark and Kelly Dinges. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2773 70. On City-initiated rezoning request from David Elwell, River Bend Association, to rezone property in vicinity of Sixth Avenue between Clark Street and University Avenue, to accommodate consumer needs, from "C-2" (General Retail and Highway Oriented Commercial) to a "C-1" (Neighborhood Retail Commercial District), and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

96-2774 (a) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

96-2775 71. On proposed vacation of a portion of the Martin Luther King Jr. Parkway right-of-way, in vicinity of Euclid Avenue, and release of such portion from an Easement for Public Highway. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

96-2776 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

HEARINGS (continued)

96-2777 72. On amendment to the Zoning Ordinance, regarding permitted location of communication towers and antennas. **Moved by Hensley to continue the Hearing to 8-19-96 at 5:30 P.M. Motion Carried 7-0.**

96-2778 (a) First consideration of ordinance above, (pre-published,

WITHDRAWN requires two readings).

96-2779 (b) Communication from Attorney for U.S. Cellular, requesting Council defer first reading of ordinance regarding permitted location of communication towers and antennas. **Moved by Hensley to receive and file. Motion Carried 7-0.**

73. On application from Mark Daggy, of Nite Owl Printing, and Ron Burton, to rezone property at 1531-1541 Seventh Street, to allow business expansion, from "R-3" (Multiple Family Residential) to a "C-1A" (Neighborhood Commercial Reuse District) and to find this in conformance with the Des Moines 2000 Land Use Plan:

96-2780 (a) Closing the Hearing and Approving Rezoning and Reuse Plan. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

96-2781 (b) First consideration of ordinance above. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

96-2782 (c) ALTERNATE RESOLUTION: to Close the Hearing and Deny Application for rezoning. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-2783 74. On SW Eighth Street and Thornton Avenue Storm Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, Pres, 2407 SW 9th Street, DM), \$21,000. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2784 75. On 1996 Pavement Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Des Moines Asphalt & Paving Company, (Robert Horner, Pres., 903 SE 22nd Street, DM), \$162,205. **Moved by Daniels to adopt. Motion Carried 5-1. Absent: Vlassis. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2785 (a) Approving contract and bond. **Moved by Daniels to adopt. Motion Carried 5-1. Absent: Vlassis. Mayor Davis declares a conflict of interest, and abstains from voting.**

HEARINGS (continued)

96-2786 76. On Hart Avenue Pavement Replacement- SE 5th to SE 8th: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco Tech Contractors, Inc., (John A. Gillotti, Vice Pres, WDM), \$48,500. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

96-2787 (a) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

96-2788 77. On condemnation of trees located on various properties (See attached list) infested with Dutch Elm Disease or infected with Oak Wilt. **Moved by Phillips to adopt all except 1413 Pioneer Road, and grant the property owner 90 days to remove trees. Motion Carried 6-1. Absent: Vlassis.**

96-2789 (a) Communication from Council Member Gene Phillips, requesting a 90-day extension for tree removal at 1413 Pioneer Road, for medical reasons of the property owner. **Moved by Phillips to receive, file and grant the request for an extension. Motion Carried 7-0.**

* * END HEARINGS at 6:20 P.M. * *

APPROVING

78. NUMBER NOT USED.

****Council considered Items 67 and 68 next****

96-2790 79. Approving waiver of green fees at Grand View Golf Course for benefit golf tournament, scheduled for August 30, 1996, entry fees to go to the Pat Moody Fund. (Council Communication No. 96-315) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2791 80. Report from Community Development Director regarding the 1997 Consolidated Plan. (Council Communication No. 96-332) **Moved by Hensley to receive, file and adopt the citizen review and allocation process as presented. Motion Carried 6-1. Absent: McPherson.**

96-2792 81. Application through Metropolitan Planning Organization to IDOT for Congestion Mitigation and Air Quality Program funds for proposed Traffic Signal Interconnection Upgrading-Grand/Ingersoll/University Avenue Corridors project. (Council Communication No.

96-325). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-2793 82. Resolution accepting relocated Iowa 5 Design Concept from SW 9th Street east to U.S. 65/69 and supporting the continuation of the highway facility west to I-35. (Council Communication No. 96-326) **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2794 83. Consideration of Zoning Board of Adjustments decision to grant a use variance to permit the property at 2511 Cottage Grove Avenue, within the "R-3" (Multiple Family Residential District), for a restaurant use. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-2795 84. Occupancy agreement for 1602 Pioneer Road in Pioneer Park allowing Kirk Haines to occupy residence up to ninety (90) days and provide security services. (Council Communication No. 96-324) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2796 85. Communication from Fred Nesbit Distributing 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 7-0.**

96-2797 (a) Establish Fair Market Value and authorize acquisition of parcel Nos. K-8 thru K-28 and K-51 thru K-54 in the Guthrie Avenue Business Park Urban Renewal Area. (Council Communication No. 96-329) **Moved by McPherson to approve. Motion Carried 7-0.**

96-2798 86. Professional Services Agreement with James E. Jacobsen d/b/a History Pays, for survey for Des Moines Foursquare and Bungalow Homes 1907-1920 \$25,000. (Council Communication No. 96-327) **Moved by Flagg to approve. Motion Carried 7-0.**

96-2799 87. Enterprise Community Steering Committee recommendation to submit Grant Application for \$125,000 in Executive Office of Weed and Seed (EOWS) Funds. (Council Communication No. 96-333) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2800 (a) Memorandum of Agreement with the Grubb Family YMCA, and the U.S. Attorney's Office, to designate the Grubb YMCA as a "Safe Haven", to provide services for the Weed and Seed program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

88. The following personnel items:

96-2801 (a) Modified job specifications, title change, and pay range for Radio Maintenance Worker to Emergency Equipment Technician - (CIPEC, Range 18 to 20). **Moved by Vlassis to defer action to 8-19-96. Motion Carried 7-0.**

96-2802 (b) Pay Range changes for the following (CIPEC) classifications: Electrician - (Range 24 to 25A), Electronic Technician - (Range 24 to 25A), Electrical Maintenance Chief - (Range 26 to 27), and Pumping Station Technician - (Range 18 to 19). (Council Communication No. 96-318) **Moved by Vlassis to defer action to 8-19-96. Motion Carried 7-0.**

96-2803 89. Recommendation of City Manager regarding modifications to the pay plan for Housing Services Supervisory, Professional and Management (SPM) Employees; Six percent (6%) increase, effective 8-26-96. (Council Communication No. 96-317) **Moved by Phillips to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

96-2804 90. Oral request of Council Member McPherson, to discuss naming of alley between Sixth and Seventh north of Euclid--Chuck's Restaurant, as "CHUCK'S ALLEY", and approving posting of temporary sign. **Moved by McPherson to discuss and approve honorary designation of the alley as "Chuck's Alley", for one year with posting of a temporary sign, and other such activities to be coordinated in the community to honor Chuck's Restaurant, as appropriate. Motion Carried 7-0.**

96-2805 91. From Council Member Preston Daniels to reconsider a Tree Trimming Services Task Force Report. **Moved by Daniels to reconsider and refer back to the Task Force for further study. Motion Carried 7-0.**

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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. Approving the following items regarding Local Option Sales and Services Tax:

96-2806 (a) Resolution Determining Allocation of Property Tax Reduction. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

96-2807 (b) Resolution calling for preparation of ballot language for vote on adoption.
SPONSOR: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg. Council Member McPherson declares a conflict of interest on sub-item (b) of the resolution, and abstains from voting on that item only.**

A G E N D A

BOARD OF HEALTH

August 5, 1996

96-2808 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

1. Communication regarding demolition cost reserve escrowed for the following location(s):

96-2809 (a) 128 SE Bell Avenue. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

96-2810 (b) 1811 York Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

AUTHORIZING

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

96-2811 (a) 2726 Lyon (vacant) TITLEHOLDER(S)/LANDLORD(S): West Des Moines State Bank, Custodian for James F. Schaer, IRA, ATTN: David R. Milligan, Senior Vice President, and James F. Schaer, IRA, ATTN: James F. Schaer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2812 (b) 1342 M.L. King Jr. Pkwy (vacant) TITLEHOLDER(S): Ledacaan, L.C., ATTN: David J. Isaacson: CONTRACT BUYER(S)/LANDLORD(S): Hope Berger. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2813 (c) 1306 4th Street (vacant) TITLEHOLDER(S)/LANDLORD(S): Ronald D. McCormick, and Donna M. McCormick. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2814 3. Release of demolition cost reserve held under claim number 14K09640 regarding property known as 1223 10th Street owned by Peter and Frances Hawthorne. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2815 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M.**