

SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 18, 1996 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Charles Morgan, Fire Chief

(b) Larry James, Housing Appeals Board

INVOCATION: Tom Vlassis

Ward 1 Council Member

96-3798 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-3799 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3800 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

96-3801 I. Approving Official Mayor and City Council Welcome to local government officials from the Ukraine. **Moved by McPherson to extend an official welcome from Des Moines. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-3802 4. Communication from Legal Department regarding November 18, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

LICENSES AND PERMITS (continued):

Class "B" Beer Licenses

96-3803 5. Hwang's Canton, Inc. Hai Hwang, President dba Mr. Egg Roll, 3330 Indianola Road; Renewal - Expires 11-22-96 (With Sunday Sales) - Application submitted 10-14-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

96-3804 6. Full Line Foods, Inc., Eufraico Mayorga, President dba Tienda Mexicana, 1524 East Grand; Renewal - Expires 11-18-96 (With Sunday Sales) - Application submitted 10-16-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

96-3805 7. American Drug Stores, Inc., Richard L. Davis, General Manager dba Osco Drug, 1345 East University; New Application (With Sunday Sales) - Application submitted 9-6-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

96-3806 8. Parents Without Partners/Capitol City Chapter #319, Del Johnson, President, 100 East Euclid Avenue; Renewal - Expires 11-27-96 (With Sunday Sales) - Application submitted 10-21-96. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

96-3807 9. Gino's Restaurant & Lounge, Inc., Gene Foggia, President dba Gino's Restaurant & Lounge, 2809 6th Avenue; Renewal - Expires 11-28-96 - Application submitted 10-28-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3808 10. Ella F. Crum dba Koffee Korner Lounge, 1030 East 9th Street; Renewal - Expires 11-25-96 - Application submitted 10-28-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3809 11. Elizabeth Rae Sample dba Liz's Bar & Grill, 509 East 25th Street; Renewal - Expires 11-30-96 (With Sunday Sales) - Application submitted 10-31-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

96-3810 12. Nacho Business, Inc, Richard T. Murillo, President dba Nacho Mamma's, 216 Court Avenue; Renewal - Expires 11-21-96 (With Sunday Sales and Beer Garden) - Application submitted 10-21-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3811 13. RAH, Inc, Richard A. Horton, President dba Park Avenue Pub, 1101 Park Avenue; Renewal - Expires 11-26-96 (With Sunday Sales) - Application submitted 10-24-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3812 14. JCR, Inc., Larry Smithson, President dba The Ritz f/k/a Rockin Rodeo, 900 East Army Post Road; Renewal - Expires 12-2-96 (With Sunday Sales and Beer Garden) - Application submitted 10-28-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3813 15. Skips, Inc., Alvin D. Bachman, President dba Skips, 4000 Fleur Drive; Renewal - Expires 12-7-96 (With Sunday Sales) - Application submitted 10-29-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3814 16. Sleepy Hollow Sports Park, Inc., Rick L. Flatt, President dba Sleepy Hollow Sports Park, 4051 Dean Avenue; Renewal - Expires 12-1-96 (With Sunday Sales and Beer Garden) - Application submitted 10-31-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3815 17. Harold Young dba Rusty's, 2565 Wedgewood Road; Renewal - Expires 11-23-96 (With Sunday Sales) - Application submitted 10-15-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3816 18. Russell S. Brown dba West End Lounge, 2309 Forest; Renewal - Expires 12-6-96 (With Sunday Sales) - Application submitted 10-31-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "E" Liquor Licenses

96-3817 19. American Drug Stores, Inc., Richard L. Davis, General Manager dba Osco Drug, 1345 East University; New Application submitted 9-6-96. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Authorizing

96-3818 20. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3819 21. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Daniels to adopt and refer the matter of coin-operated vending machines dispensing cigarettes to City Council Legislative Sub-Committee for review and recommendation. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

96-3820 22. Structure Removal Contract for house and underneath garage at 2506 Littell Avenue, in conjunction with the Airport Noise Compatibility Program. (Council Communication No. 96-492) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3821 23. Partnership Agreement with U.S. Army Corps of Engineers to seek Federal funding for water resource reconnaissance study of flood protection facilities along Des Moines and Raccoon Rivers. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3822 24. Agreement with Montgomery Watson Americas to perform professional Engineering Service in connection with Mercury Toxicity Study of Des Moines River Watershed in conjunction with Des Moines WRA Wastewater Treatment Plant - \$95,000. (Council Communication No. 96-491) **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3823 25. Agreement with MidAmerican Energy for re-routing electric service to accommodate addition to Archie Brooks Community Center Gymnasium, (2100 S.E. Fifth) - \$1,989.88. **Moved by McPherson to adopt. Motion Carried 7-0.**

26. Resolution Ordering Construction of the following:

96-3824 (A) Guthrie Avenue Industrial Park Demolition, Phase 3, Receiving of Bids, (12-10-96), and Setting Date of Hearing, (12-16-96), (Construction Estimate - \$248,000). **Moved by**

McPherson to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS (continued)

96-3825 26. (B) E. 14th Street and E. Aurora Avenue Intersection Improvements, (IDOT Project), Receiving of Bids, and Setting Date of Hearing, (12-2-96), (Construction Estimate - \$1,034,482.50). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3826 (C) Saylorville Recreational Trail Lighting Near the Botanical Center, (IDOT Project), Receiving of Bids, and Setting Date of Hearing, (12-2-96), (Construction Estimate - \$40,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3827 (D) Fleur Drive Bridge over the Raccoon River and Railroad Bridge Deck Overlay, (IDOT Project), Receiving of Bids, and Setting Date of Hearing, (12-2-96), (Construction Estimate - \$891,330.20). **Moved by McPherson to adopt. Motion Carried 7-0.**

27. Communications from the following Contractors for extension of time requests:

96-3828 (A) Eco-Tech Contractors, Inc. for 1996 City-Wide PCC Pavement Restoration Program to June 30, 1997. **Moved by Vlassis to receive, file and grant the extension of time until June 30, 1997. Motion Carried 6-1. Absent: McPherson.**

96-3829 (B) Koester Construction Company, Inc. for Greater Des Moines Soccer Park Contract, No. 2 to July 1, 1997. **Moved by McPherson to receive, file and grant the extension of time until July 1, 1997. Motion Carried 7-0.**

96-3830 (C) Neumann Brothers, Inc. for John R. Grubb Community YMCA of 14 calendar days to December 29, 1996. **Moved by McPherson to receive, file and grant the extension of time of 14 calendar days until December 29, 1996. Motion Carried 7-0.**

96-3831 28. Communication from Corell Contractor, Inc. requesting permission to sublet certain items on 63rd Street and University Avenue Widening and Signalization public improvement project. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

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

96-3832 (A) Birdland Park Tennis Courts, Grimes Asphalt & Paving Corporation, remaining balance of \$25,886.14 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3833 (B) Guthrie Avenue Industrial Park Demolition Phase 2, \$5,676.25 is now due, remaining balance of \$2,813.75 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3834 (C) Martin Luther King, Jr., Parkway Demolition Contract No. 2, (IDOT Project), Corell Contractor, Inc., \$8,197,74 is now due, remaining balance of \$6,208.60 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3835 (D) 1996 Pavement Milling, Des Moines Asphalt & Paving Company, \$28,044.85 is now due, remaining balance of \$1,476.05 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3836 (E) Ingersoll Run Storm Sewer Repair, Van Hauen & Associations, Inc., remaining balance of \$8,150. is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3837 30. Private Construction Contract for construction of Storm Sewer at intersection of Grand Avenue and 9th Street to serve Equitable of Iowa Parking Lot at 901 Locust Street between The Graham Group Inc., Owner and The Underground Company, Ltd., Contractor - \$26,590. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3838 31. Approving partial payments on eleven public improvement projects. (See roll call for list and funding availability). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-3839 32. Notice of Filing Schedule of Assessments for costs of Nuisance Abatement-NAC (Emergency Orders) Community Development, Schedule No. 1997-41, and providing for the payment thereof. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3840 33. Authorizing Assessment Clerk to correct Delinquent Sewer Rental and Solid Waste Charges, which were charged to 710 SE Allen at a residential rate; the building is commercial. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-3841 34. Approving Noise and Avigation Easements for six properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3842 35. Purchase of 1925 E. Euclid, from Archer-Daniels-Midland Company, in conjunction with Iowa 6(East Euclid Avenue) and Delaware Avenue Intersection Improvement - \$4,865.20. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3843 36. Amended Temporary Easement for Construction, from Monarch Cement Company, 5200 Park Avenue, in conjunction with Northwest Airport Trunk Sanitary Sewer - \$2,100. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3844 37. Amended and Substituted Backslope and Property Adjustment Easement and Release, from Daniel L. and Marie C. Malloy, 1125 63rd Street, in conjunction with Iowa 28 (63rd Street)/University Avenue Intersection Improvement - \$764. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3845 38. Amended Quit Claim Deed, for vacated East/West alley right-of-way in the vicinity of 2759 E. Washington, to omit the name of Merle A. Blair. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-3846 39. Communication from Julia Chestnut submitting her resignation from Citizen Services Task Force - Pioneer-Columbus/SE and as representative of Neighborhood Advisory Board and Des Moines Action Board, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 6-1. Absent: McPherson.**

BOARDS/COMMISSIONS/NEIGHBORHOODS (continued)

96-3847 40. Approving the Appointment of Janice Cochran, from the New Vision Neighborhood Association, with Celeste Morris as her alternate, and Reva Henry, from the Five Enterprise Community Neighborhood Association, with Carole Day as her alternate, to the Enterprise Community Steering Committee. (Council Communication No. 96-485). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3848 41. Approving recommendation of At Large Council Member George Flagg for appointment of David Scott Edwards, 6221 SE 2nd, to Housing Appeals Board, to fill unexpired term of Larry James to expire March 16, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-3849 42. Regarding application from Connolly, O'Malley, Lillis, Hansen & Olson, LLP. to amend the Des Moines 2000 Land Use Plan by revising the classification of property south of SW McKinley Avenue in vicinity of 6000 and 6146 SW McKinley Avenue from Airport Related Industrial to Commercial, and Setting Date of Hearing on application to rezone the property from the "R1-80" (One Family Residential) to a "C-2" (General Retail and Highway Oriented Commercial District), (12-2-96). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

96-3850 43. On application from Rosemary W. Bishop for the David W. Rothfus Trust, to rezone property at 4530 and 4590 SE 34th Street, from "R1-90" (Large Lot One Family Residential) to an "R1-80" (One Family Residential) and to find this in conformance with the Des Moines 2000 Land Use Plan, (12-2-96). **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3851 44. On amendment to the Zoning Ordinance to create a new "Pedestrian Commercial District" with changes to the "Planned Unit Development District" and "Off-Street Parking Area Required-Special Provisions" regulation, (12-2-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3852 45. On rezoning to Planned Unit Development (PUD) for undeveloped area of historic fort east of SW 9th and south of Army Post Road (design standards that protect historic character of fort to be developed). Local Landmark designation for Fort Des Moines property denied by

Plan and Zoning Commission. **Moved by McPherson to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS (continued)

46. On Urban Renewal Agreements with Airport Commerce Park, L.C., for the following, (12-2-96):

96-3853 (A) Airport Commerce Park South, (South of Army Post and West of Fleur Drive). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3854 (B) Airport Commerce Park West, (East of SW 63rd Street extending from Park Avenue to McKinley). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3855 47. On approval of Lease Amendment to expand the Iowa Air National

WITHDRAWN Guard (IANG) Airport Leasehold, (12-2-96). (Council Communication No. 96-493).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-3856 48. Approving and affirming settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

96-3857 49. Approving payment of \$5,255.23 to Dennis Bair for workers' compensation claim, subject to approval by the Industrial Commissioner for injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3858 50. Approving payment of \$18,402.00 to Allen Messer for workers' compensation claim, subject to approval by the Industrial Commissioner for injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3859 51. Approving payment of \$96.47 to Hopkins & Sutter in Chicago for representation in case of City of Norwalk vs. Federal Aviation Administration. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-3860 52. Communication from the City Manager regarding various traffic regulation changes (see Roll Call for changes). (Council Communication No. 96-480). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

96-3861 53. Approving communication from Fern Andrew, 1030 63rd Street expressing appreciation to City Engineering Department for assistance during 63rd Street Construction Project. **Moved by Hensley to receive and file. Motion Carried 7-0.**

96-3862 54. Recommendations of Environmental Review Committee concerning Comprehensive Strategy Environmental Impact Assessment to publish "Finding No Significant Impact on Environment" and "Notice of Intent to Request Release of Funds". **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3863 55. Community Services Block Grant (CSBG) Quarterly Activity Report for period July 1, 1996 to September 30, 1996 and Community Services Block Grant (CSBG) Annual Activity Report for period October 1, 1995 to September 30, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3864 56. Approving Certification of Accuracy for HUD Rental Rehabilitation Grant for Fiscal Year 1991. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3865 57. Partial release of judgment lien against Terrie L. Long on property located at 1126-9th Street, to facilitate construction of new affordable housing - \$115. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3866 58. Release of City Liens against Polk County Tax Sale Property at 1819 Ninth Street, Affordable Housing Consortia, Inc. (Council Communication No. 96-498). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3867 59. City Assessor's Annual Report for 1996, (on file in City Clerk's Office). **Moved by McPherson to receive and file. Motion Carried 7-0.**

96-3868 60. Report of Civil Service Commission submitting Account Clerk (Entrance) and Sewer Maintenance Worker, Senior Refuse Collector, Senior Police Officer, Maintenance Coordinator and Park Construction Technician (Promotional) lists. **Moved by McPherson to receive and file. Motion Carried 7-0.**

96-3869 61. Report of the Des Moines Civil Service Commission revoking the certification of Randy Fiscel for appointment of Horticulture Inspector. **Moved by McPherson to receive and file. Motion Carried 7-0.**

96-3870 62. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING (continued)

63. Bids for the following:

96-3871 (A) Daniels Filter Service, (322 S.W. 3rd Street, Ed Daniels, President) for an annual contract for granular activated carbon for filtering purposes to be used by the Engineering Department (Wastewater Reclamation Facility), \$2.38 per pound. (Six bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3872 (B) Crest Information Technologies, Inc., (2150 Delaware, Jay Johnson, President) for microfilming services to be used by the Police Department, \$17,629.40. (Three bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3873 (C) Computerland, (611 East 2nd Street, Wayne Clure, President) for computer hardware and software to be used by the Community Services Department, \$30,582. (Seven bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3874 (D) 3M Traffic Control Materials Division, (St. Paul, MN) for reflective sheeting to match and be compatible with existing City traffic signs to be used by the Traffic and Transportation Department, \$17,057.71. (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3875 (E) Radio communications equipment to be used by the Public Works Department to replace Police mobile units and other City equipment from Motorola Communications and Engineering Corporation under State of Iowa Contract Number 1199. \$19,142.40. (Non-competitive procurement). **Moved by McPherson to adopt. Motion Carried 7-0.**

96-3876 64. Authorizing Finance Director to draw warrants on registers of November 22, 1996 and November 29, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning November 18, 1996 and November 25, 1996, and the biweekly payroll due employees on November 22, 1996. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-3877 65. Amending Chapter 27 of the Municipal Code regarding request for a four-way stop at the intersection of 42nd and Greenwood Drive; and request to designate Parking Meter M-510 as a Handicapped Space. **Moved by McPherson that this ordinance do now pass, #13,393. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-3878 66. On application from David Elliott, of Signs of Success, to rezone property at 2907 Douglas from "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow a sign shop. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Extra Item 5 next****

ORDINANCES - FIRST CONSIDERATION

96-3879 67. Amending Chapter 9 of the Municipal Code regarding transient merchants. (Council Communication No. 96-482). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

96-3880 68. Amending Chapter 16 of the Municipal Code, to add multi-family residences to the City Recycling Program. (Council Communication No. 96-479). **Moved by Daniels that this ordinance be considered and given first vote for passage, Motion Carried 7-0.**

96-3881 69. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Loading Zone on the North side of Crocker East of Ninth Street, and request for corner clearance on the South side of Woodland East of 42nd Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (Opened at 5:34 P.M.) (Items 70 thru 73)

96-3882 70. On Sale of \$16,150,000 General Obligation Bonds, Series 1996E. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3883 (A) On Sale of approximately \$36,330,000 General Obligation Refunding Bonds, Series 1996F. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3884 71. On Martin Luther King Jr., Parkway Demolition Contract No. 4 North/South: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractors, Inc., (Steve Corell, President 1805 Euclid), \$146,600. **Moved by Hensley to adopt. Motion Carried 5-2. Pass: McPherson and Vlassis.**

96-3885 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Pass: McPherson and Vlassis.**

HEARINGS (continued)

96-3886 72. On Asbestos Removal - Martin Luther King, Jr., Parkway, Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hazardous Material Abatement Corp., Lee Tufvander , Vice Pres, 242 E. 30th Street), \$41,160. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

96-3887 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

****Council considered Items 85, 74 and 90 next****

96-3888 73. On SW 28th Street and Wolcott Avenue Subdrain: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractors, Inc., (Steve Corell President, 1805 Euclid), \$16,971. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3889 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:48 P.M. * *

APPROVING

96-3890 74. Loan Agreement for forgivable loan with Pioneer Hi-Bred International, Inc. to expand home office facilities within Capitol-Center Development Area Urban Renewal Project Area (Pioneer Project) - \$848,360. (Council Communication No. 96-481). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-3891 75. Professional Services Agreement with Chan Krieger & Associates, and Brooks Borg Skiles Architecture Engineering, in conjunction with The Capitol Gateway East Urban Design Project Plan. (Council Communication No. 96-486). **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3892 76. Approving City Loan Agreement and Forgivable Promissory Note in the amount of \$72,500 with Anderson Erickson Dairy Company.(Council Communication No. 96-483). **Moved by McPherson to approve. Motion Carried 7-0.**

APPROVING (continued)

96-3893 77. City Manager's recommendations regarding Tax Increment Finance (TIF) funding for 1997-98. (Council Communication No. 96-494). **Moved by Hensley to direct the City Manager to notify the County Auditor of the City of Des Moines' need for \$7,608,094 of tax increment revenue for the 1997-98 fiscal year. Motion Carried 5-2. Pass: Flagg and McPherson.**

****Council Member Flagg left the meeting at 7:56 P.M.****

96-3894 78. Local Contribution of \$5,000, to Iowa Packing Company, 1801 Maury Street. (Council Communication No. 96-484). **Moved by Phillips to approve. Motion Carried 5-1. Absent:Flagg. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3895 79. Establishment of an Endowment Fund for Woodland Cemetery, for maintenance of cemetery. (Council Communication No. 96-487). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3896 80. Acceptance of donation from the Iowa Annual Conference of the United Methodist Church, of 0.7 acres of land adjacent to Oak Grove Cemetery, (SW 31st and Watrous). (Council Communication No. 96-488). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3897 81. Recommendation of Park and Recreation Board to eliminate power-driven model airplane flying at Ewing Field/Park, and to assist in finding and alternative location for this hobby. (Council Communication No. 96-489). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3898 82. Lease agreement with Veteran's Memorial Auditorium for rental space for joint program with Des Moines Fire and Police, Bureau of Alcohol, Tobacco and Firearms, and the International Association of Arson Investigation, for the churches of greater Des Moines area. (Council Communication No. 96-497). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3899 83. Addendum to Development Agreement with ABC Partners, L.P. for Airport Business Park. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-3900 (A) Setting Date of Hearing on Urban Renewal Agreement with ABC Partners L.P., regarding the Airport Business Park, (East of SW 42nd Street-Highway 28 between Army Post Road and County Line Road), (12-2-96). (Council Communication No. 96-495). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

APPROVING (continued)

96-3901 84. Amendment to Flexible Spending Account (FSA) program for Supervisory, Professional and Management (SPM) and collective bargaining employees, increasing maximum allowed for Medical Care Expense Reimbursement to \$5,000 effective January 1, 1997. (Council Communication No. 96-490). **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

96-3902 85. Committee recommendation regarding Plan 60 Deferred Compensation Program. (Council Communication No. 96-496). **Moved by McPherson to receive, file and approve recommendation contained in Council Communication 96-496; and approve City Council Sub-Committee comprised of Davis, Flagg and McPherson, to receive data as part of the review process. Committee to review information and make a recommendation to the Council with no direct input into the RFP development process. Motion Carried 7-0.**

COUNCIL REQUESTS

96-3903 86. Oral request of Council Member Mike McPherson to discuss an

WITHDRAWN idea for East Downtown Des Moines Development Committee.

96-3904 87. From Council Member Vlassis to discuss placement of monopoles in the community. **Moved by Vlassis to discuss; receive and file comments made. Motion Carried 6-1. Absent: Flagg.**

96-3905 (A) Petition submitted in opposition to Western PCS placing a monopole in Union Park. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

96-3906 (B) Petition submitted in opposition placing a monopole in Beaverdale Park. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

COMMUNICATIONS/REPORTS

96-3907 88. From Skip Moore, Chair Des Moines Action Board, regarding CDBG funding.
Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: McPherson.

96-3908 89. Request from Greater Des Moines Convention and Visitors Bureau for City Council support of invitation to host Fall, 1999 Iowa League of Cities Annual Conference and Exhibit.
Moved by Hensley to receive, file and direct that a letter of support be prepared and sent for this conference bid on behalf of the Mayor and Council. Motion Carried 6-1. Absent: Flagg.

COMMUNICATIONS/REPORTS (continued)

96-3909 90. From Benjamin B. Smith, Developer, and WESCO Distribution, Inc., Tenant, regarding interest in constructing and occupying 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.

****Council considered Item 68 next****

96-3910 91. From Randy Lenze, 2321 SE 6th Street, requesting to speak regarding solid waste pick-up in alley between Lacona and Pioneer Streets. **Moved by Phillips to receive, file and grant request to speak; refer to City Manager. Motion Carried 5-2. Absent: Flagg and Vlassis.**

96-3911 92. From Cindy Scott, 1332 - 18th Street, King-Irving Park

WITHDRAWN Neighborhood Association, requesting to speak regarding 1308 and 1314 - 18th Street, 1704 Forest Avenue and flashing lights at 16th & Forest.

96-3912 93. From John Benson, 2901-30th Street, requesting to speak regarding sale or disposal of public nuisance property at 2426 Prospect. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and Legal to dispose of property in appropriate manner, to sell as owner-occupied; ensuring no potential liability to the City. Motion Carried 6-1. Absent: Flagg.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

96-3913 1. Final Plat of Lakeview Heights Plat 2, in vicinity of Evergreen and SE 35th Court, to be developed by Mid-America Real Estate Co. (Council Communication No. 96-499) **Moved by Phillips to adopt subject to receipt of an updated title opinion and approval of same by the Legal Department. Motion Carried 6-1. Absent: Flagg.**

EXTRA ITEMS (continued)

96-3914 2. Approving exception from Council policy, regarding request from Joseph Coppola Jr., representing the Court Avenue Association, for permission to close Fourth Street, from Walnut south to the north side of Court Avenue, from 10:00 A.M. to 10:00 P.M., Friday, November 29, for a holiday celebration. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3915 3. First consideration of ordinance amending Chapter 2 of the Municipal Code authorizing City Manager to extend agreements during public and operating emergencies upon approval by the City Council. Co-SPONSORS: Vlassis and McPherson. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

96-3916 (A) Final consideration of ordinance above, (waiver requested by City Manager). **Moved by McPherson that the rule requiring that an ordinance 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, 13,394. Motion Carried 6-1. Absent: Flagg.**

96-3917 4. Recommendation of Council Member Preston Daniels, for appointment of Jack Hatch to the Public Housing Board, to fill the unexpired term of Bill Cappuccio, to expire June 30, 1997. SPONSOR: Daniels. **Moved by Daniels to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3918 5. Oral request of Mayor Arthur Davis to discuss intent to create a Mayor's Cabinet comprised of eleven (11) City Board and Commission Chairs. **Moved by Phillips to receive and file. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH
November 18, 1996

96-3919 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

96-3920 1. Court authority to abate the public nuisance at 2312 Forest Ave., vacant, TITLEHOLDER: Craig Duncan Gooder; CONTRACT BUYER: Charles Meline, Jr., Judy Meline, Matt Meline and Lisa Meline. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

96-3921 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 9:40 P.M.**



